

**THE SITUATION  
OF LESBIAN, GAY, BISEXUAL  
AND TRANSGENDER PEOPLE  
IN THE RUSSIAN FEDERATION  
(Last Three Months 2011 – First Half 2012)**





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## **LGBT PERSONS IN RUSSIA: PRIDE, PREJUDICE AND POLITICAL POPULISM**

Human rights defenders active in the Russian Federation are concerned about the worsening in last six month of the already bad situation with the execution of the right to freedom of expression by members of minority groups and all those advocating the views not shared by governmental officials. Members of the LGBT community became the first victims of a new “witch hunt”. In a number of Russian regions (the Ryazan Region, the Kostroma Region, the Arkhangelsk Region, the Magadan Region, the Novosibirsk Region, the Samara Region, the Krasnodar Territory, and St. Petersburg) legislation introducing administrative punishment for the so-called “promotion of homosexuality among minors” was enacted. A similar bill is currently under consideration at the federal level as well. The recent experience shows that when applied in practice these laws, given the legal vagueness of the concepts contained in them, are used in arbitrary fashion to prevent the expression of opinions and peaceful assembly of citizens in support of equality irrespective of their sexual orientation or gender identity. The police detain people for making public calls urging the authorities to investigate crimes on the grounds of homophobia, for carrying rainbow flags in the street or even for making plans to stage a demonstration in support of the LGBT persons’s rights.

To a certain degree, every group of the population is “contaminated” by homophobia (and any other forms of xenophobia to that matter). According to social scientists, the level of fear and negative attitudes towards homosexuals is the higher, the lower the education level and the higher the age of the respondent. Homophobic manifestations are also more typical of men, than women, and are more widespread among small town and rural residents. I think the general factors driving the spread of homophobic sentiments in society include the shortage of credible information about people with different sexual orientation and the low level of overall culture in the population, which for the most part is not given to assessing their fears and prejudices in a reasonable way.

A separate issue is the attempts by the authorities to turn homophobia into a political factor. Against the backdrop of a social and political crisis unfolding in Russia, the authorities are keen to do it please the poorly educated, intimidated and poorly informed part of the population. Deliberate fuelling of such sentiments can transform them from a general background (“domestic homophobia”) into an important conduit to channel public discontent at certain groups of people, in this case at homosexual, bisexual and transgender people. It is, in effect, a form of political populism. It is dangerous in that irresponsible politicians are dividing society, instead of consolidating it, fuelling hatred and social tensions.

In Russia, the manifestations of intolerance and aggression, and political reprisals aimed at the LGBT community have to do with the fact that for many centuries its “invisibility” and “inferiority” were perceived, including by its own members, as a normal state of things. Prejudices forced LGBT persons to constantly conceal their identity and adapt. For a long time, the very idea of open self-expression and concerted advocacy of own rights and human dignity seemed incredible to them.

In the recent years, the situation in Russia has started to change. The LGBT community is increasing more visible and socially active. From invisible “sinners” and “offenders” they are evolving into a proud and free community of people who want to be happy and live openly in peace with others around them. This complicated process encounters deeply-rooted stereotypes which can be handily used in various political games.

On the face of, the legislation “banning the promotion of homosexuality” aims to protect minors. Such is the letter of this legislation. Its spirit, however, is in prohibiting peo-

ple from saying what they think, denying people freedom of choice; so today we see that all these empty words about the legislation protecting children are exactly that very letter which is of no interest even to its authors and implementers.

From the formal legal perspective, there are provisions in the international law and the Constitution of the Russian Federation, according to which the rights and freedoms of citizens can be restricted only when it is needed to protect the lives, health, and morality of other people. In this case the amendments proposed by parliamentarians explicitly curtail the right to disseminate information.

This begs a question, however: Where lies the danger of disseminating information about sodomy, lesbianism, bisexuality, and transgenderism, them being objectively existing phenomena? I can't picture a situation where somebody comes to schools and starts giving information about sex between men or sex between women.

Activists of LGBT movement protesting the law are really engaged in promotion. What we promote, however, is the need for tolerant and respectful treatment of all people, irrespective of their sexual orientation. We disseminate the information about the social and legal problem faced by homosexual and transgender people. I don't see anything immoral, let alone dangerous, for the lives and health of people in this information.

Minors also need such information. Sexual orientation is realized and accepted by human beings long before their coming of age at 18. In Russian society, a person is considered to be heterosexual from birth and when a teenager suddenly starts to realize at 12 or 13 that he or she is attracted to people of the same sex with them, they get scared and feel guilt. Such teenagers are in great need of objective, easy information explaining homosexuality and transgenderism – and such information should come from experts, not utterly ignorant Duma Deputies. Heterosexual teenagers also need information.

One of the problems faced by homosexual teenagers is bullying by peers. Teenagers generally tend to be cruel, the more so when somebody is different from them.

Information is needed on how people should be treated, irrespective of their sexual orientation. The lack of such knowledge can have very dangerous consequences. The new law would not help to reduce the rate of teenage suicides and Russia leads the global rankings by this measure. According to our estimates, 26% of gays and lesbians in Russia have at least once tried suicide; many did it in their teenage years.

Homophobic laws, already aptly named “Don't say gay!”, have been in force in different regions for over six months now. Dozens of people (mostly in St. Petersburg) have been arrested over that period of time.

As early as at the very start of the political campaign to pass “Don't say gay!” regional legislation, human rights defenders warned: All totalitarian regimes of the 20<sup>th</sup> Century unleashed reprisals against the dissenters targeting sexual minorities first; these laws can't fail to be followed by reprisals against other groups as well. Our forecasts proved true even faster than we expected. The conviction in the Pussy Riot case, monstrous in its absurd cruelty, the law on “foreign agents”, and other similar recent measures clearly show that today Russia is like never before after the fall of the communist regime closer to sliding back into totalitarianism.

*Igor Kochetkov,  
Chairman, the Russian  
LGBT Network interregional NGO*

# RUSSIA IN THE 21<sup>ST</sup> CENTURY: A CULTURE WAR CAUSED BY TRADITIONALIST REVANCHISM<sup>1</sup>

Valery Sozayev

## Introduction

The start of the 21<sup>st</sup> Century in Russia was marked by the political regime's crack-down on dissent and the rapid slide towards the so-called "traditional values". Hitherto restrained right-leaning forces, including ultranationalists and Orthodox Christian fundamentalists, seek to impose an ideological monopoly, having in mind the elimination of any sign of liberal discourse. In other words, it is safe to say that today, Russian society is going through a period of "traditionalist revanchism".

This overview examines the key actors shaping the traditionalist agenda. Particular focus will be made on the actions and rhetoric by the traditionalists against the LGBT community.

## General

*Culture wars* are irreconcilable differences between cultural values of conservative traditionalists (with right-wing Christian fundamentalists at its extreme) and liberal progressives. This conflict takes its most acute forms in the political and religious spheres. Main debates rage around issues like abortions, sex education in schools, the rights of sexual minorities, the separation of Church and State, privacy, the legalization of drugs, policy on migrants, censorship etc. Antiglobalism, nationalism and excessive patriotism are integral parts of the culture war discourse. The concept was coined in the context of the modern North American culture.<sup>2</sup> Currently one can state that cultural wars have spread far beyond the borders of the United States and can be observed in Canada, Western and Eastern Europe, and in Russia.

Key concepts in this conflict include "traditional values", "family values" and "traditional family values", which are the essential components of the conservative traditionalist discourse.

*Traditional values* in this discourse are understood as Bible-based values<sup>3</sup>. For the purposes of this discourse, the terms "traditional values", "family values" and "traditional family values" are synonymous<sup>4</sup>.

*Family values* are political and social beliefs, according to which a nuclear family is an essential ethical and moral social unit.

*Familialism* is an ideology promoting the value of a nuclear family and "family values" as an institution.<sup>5</sup> Familialism advocates Western "family values" and usually opposes other social forms or models which can be chosen as an alternative (e.g. single-parent families, multiple partner families, LGBT parenthood etc.). A typical feature of

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<sup>1</sup> The Russian LGBT Network thanks LGBT Ministry "Nuntiare et Recreare" for its contribution to this Section.

<sup>2</sup> Hunter, James Davison. *Culture Wars: The Struggle to Define America*. New York: Basic Books, 1992.

<sup>3</sup> Traditional values defined // The organisation's website Traditional Values Coalition / URL: <http://traditionalvalues.org/content/defined>

<sup>4</sup> *Traditional Family Values*. Speech by Moriah Mosher at the Rhodes Youth Forum. Published: 2011 Oct 17. URL: <http://www.pop.org/content/traditional-family-values>

<sup>5</sup> Anne Revillard (2006) *Work/Family Policy in France* International Journal of Law, Policy and the Family 2006 20(2):133-150.

familialism is a claim that “normalcy” and “naturalness” lie within the patriarchal nuclear family.<sup>6</sup>

Traditional values perceived in such a way include in terms of sex, gender and sexuality: gender binarism, monogamy, unambiguous assignment of male and female social roles, the denial of reproductive rights (including the right to have an abortion), the denial of the right to sexual orientation and gender identity, the promotion of homophobia and transphobia, discrimination against all forms and types of relations which do not fit into a heteronormative frame. It is this agenda that conservative traditionalists promote at the national and international level.

*Traditionalist revanchism* is a political situation where conservative, traditionalist guardian forces not only gain visibility in the political discourse, but also become key political actors enjoying the support and patronage of the government, with their messages becoming the messages of the government.

### **Conservative groups in Russia actively opposing equal rights for LGBT persons – an overview**

The “culture war” discourse has been taking shape in the Russian Federation over the course of many years. Today, one can state that it’s not only fully-shaped, but is successfully used, as most vividly illustrated by the findings of a recent research into “Religion in Russian Society. Traditional Religious and Liberal Views”, commissioned by the Public Chamber of the Russian Federation.<sup>7</sup>

In the early 1990s, conservative forces in Russia launched vigorous attempts at consolidation and promotion of their views to various groups of society. The youth and Church were most actively engaged. The 1990s saw a rapid growth in the number of extreme right nationalistic groups, which built their identities both on “revisiting” the “Slavic paganism” and the ultraconservative versions of Orthodox Christianity.

Ultraconservative (fundamentalist) Orthodox Christianity has a long history in Russia and is notable for extreme nationalism, anti-Semitism, anti-Westernism, antiglobalism, anti-ecumenism, exclusivism, imperialism etc. In other words, it is a very peculiar and extremely politicized version of Christianity, where the substitution of key notions of this religious confession takes place.<sup>8</sup>

The World Russian People’s Council (WRPC) became one of the more respectable conservative organisations.<sup>9</sup> It was launched in 1993 and its current leader is Patriarch Kirill. Since 2005, the organisation has a consultative status at the United Nations. Its presidium includes prominent political and cultural figures of Russia (Culture Minister of the Russian Federation Avdeyev, Chairman of the Constitutional Court Zorkin, Foreign Minister Lavrov, President of the Russian Academy of Sciences Osipov, St. Petersburg’s Governor Poltavchenko, and many others).<sup>10</sup> It was at the congresses of this organisation that the ideas to “revive Russia”, and in fact to impose Orthodox Christian conservatism on Russia, were voiced, later to be implemented by the government.

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<sup>6</sup> Kauffman, Linda (1992) Framing Lolita: Is There a Woman in the Text?

<sup>7</sup> Website of the Public Chamber of the Russian Federation. URL: <http://www.oprf.ru/files/dokument2011/religiya09022012.pdf>

<sup>8</sup> For more detail see: K.N. Kostyuk. Orthodox Christian fundamentalism // Polis, 2000, No. 5. Electronic version: <http://nationalism.org/library/science/religion/kostyuk/kostyuk-socis-2000.htm>; K.N. Kostyuk. The three portraits: Socio-ethical views of the Russian Orthodox Church in the late 20<sup>th</sup> Century // Continent, 2002, No. 113. Electronic version: <http://magazines.russ.ru/continent/2002/113/kost.html>; K.N. Kostyuk. Ant-Westernism and anti-modernism in Eastern Orthodox Church // Continent, 2001, No. 110. Electronic version: <http://magazines.russ.ru/continent/2001/110/kost.html>.

<sup>9</sup> The organisation’s website: <http://www.vrns.ru>

<sup>10</sup> Presidium: <http://www.vrns.ru/about/presidium.php>

Another quite powerful organisation with a similar name is Interregional Public Movement “The People’s Council”.<sup>11</sup> As stated at the organisation’s website, “The People’s Council strongly opposes unbridled immigration, totalitarian sects, lawlessness and corruption, the so-called “gay parades”, sex education of children and any other actions aimed to undermine Russia, her spiritual and moral values and culture.”<sup>12</sup> “Today, the People’s Council is a public movement bringing together over 250 various organisations in dozens of regions across Russia – from Kaliningrad to Vladivostok – Orthodox Christian, cultural and historical, literary and creative, academic, veteran, military-patriotic, research, and sports groups etc.”<sup>13</sup> It is really a very powerful force, which has repeatedly confronted not only LGBT activists, but all other liberal forces in Russia. One can say that while the WRPC develops ideology, the People’s Council puts this ideology into real life practice.

On the international stage, in addition to the already mentioned WRPC, other groups also actively spread the ideas of conservatism. In particular, one cannot fail to mention the Institute for Democracy and Cooperation, established in 2008.<sup>14</sup> One should not be misled by the name of this organisation: in reality, it has nothing to do either with democracy or cooperation. The “Institute’s” proclaimed mission is to monitor human rights situation in the United States and Europe. In fact, the organisation is engaged in image making to create a “positive image of Russia” on the international stage. The institute has two offices: in Paris, France, and in New York, NY. The head of the Paris branch, Nataliya Narochmitskaya<sup>15</sup> is an inveterate anti-American and anti-globalist, a politician who champions traditionalist views and values and lobbies the interests of the Russian Orthodox Church (the Moscow Patriarchate) and the World Russian People’s Council.

The leading pro-family group in Russia is the “Association of Parents’ Committees and Communities” (APCC).<sup>16</sup> Currently the Association brings together 25 organisations from across Russia.<sup>17</sup> Key areas of activities for the organisations comprising the Association are the same as for the People’s Council. More often than not activists at the People’s Council and Parents’ Committees are either the same persons or close relatives. Anyway, the actions of such groups are always concerted and coordinated and opposing juvenile justice and LGBT movement is the main thrust of their efforts.

Another pro-family organisation, more focused on international lobbying, is Interregional NGO “For Family Rights”.<sup>18</sup> This organisation has wide international links to other pro-family groups. In particular, support was provided recently by Family Watch International<sup>19</sup> to establish “Family Policy of the Russian Federation”,<sup>20</sup> an “independent think tank initiated by several major NGOs active in protection of family, motherhood, fatherhood and childhood to help the Russian state and society in protecting, maintaining and consolidating the family institution.”<sup>21</sup> Combating the LGBT movement is an urgent task for them as well. In January 2012, the organisation published an analytical review of

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<sup>11</sup> The organisation’s website: <http://www.narodsobor.ru/>

<sup>12</sup> About the movement: <http://www.narodsobor.ru/about>

<sup>13</sup> Ibid.

<sup>14</sup> The organisation’s website: <http://www.indemco.org/>

<sup>15</sup> Website: <http://narochmitskaia.ru/>

<sup>16</sup> The organisation’s website: <http://www.new-arks.nichost.ru/>

<sup>17</sup> APCC’s composition: <http://www.new-arks.nichost.ru/index.php/2011-06-13-07-46-29.html>

<sup>18</sup> The organisation’s website: <http://blog.profamilia.ru>

<sup>19</sup> The organisation’s website: <http://www.familywatchinternational.org/>

<sup>20</sup> The organisation’s website: <http://www.familypolicy.ru/>

<sup>21</sup> About the Project: <http://www.familypolicy.ru/o-nas/o-proekte-2>



legislation prohibiting the promotion of homosexuality among children,”<sup>22</sup> which is a compilation of translated homophobic pseudoscientific texts by US writers.

Al these pro-family groups actively interact within the framework of the World Congress of Families.<sup>23</sup> In 2011, the World Congress was held in Moscow under the name of “The Moscow Demography Summit”,<sup>24</sup> with over 1,000 participants from 60 countries. The World Congress of Families is an international lobby organisation advocating conservative views of the family and actively speaking against the rights of LGBT persons and same-sex families. The fact that the summit took place in Moscow at one of the state universities (Russian State Social University) and had the support of governmental officials speaks for itself.

An important role in imposing traditionalism is played by various research and pseudo-research centres. The Family Social Studies Department at the Social Science School, Moscow State University (MGU), headed by Anatoly Antonov, deserves particular mention.<sup>25</sup> “The Department was launched in August 1991 based on the familialistic social science school of thought (theory of the family institutional crisis), and social demography traditions (theory of accelerating birth rate decline due to lower number of families with many children leading to the mass pattern of one-child family).”<sup>26</sup> In fact, they are engaged in studies that are marginal in the context of the international social science and are based on the traditionalist right-wing Christian views of the family. It is, in particular, confirmed by the fact that the “Department’s contribution to the analysis of family changes and building a theory case for active pronatal policies got international recognition as evidenced by its cooperation with Minnesota State University’s Department, the University of York (UK), Brigham Young University (Provo, Utah), the Rockford Institute and the Howard Center for Family, Religion & Society (Rockford, Illinois), the World Congress of Families,<sup>27</sup> and others. In particular, the Department is backed by Allan C. Carlson, who more than once appeared as a speaker at the events held under its guidance. Allan C. Carlson is a well-known pro-family activist, founder of the Howard Center for Family, Religion & Society,<sup>28</sup> and coauthor of *The Natural Family: A Manifesto*<sup>29</sup>. The Department stands out for its extremely prejudiced and politicized view of homosexuality. In 2008, at the invitation of the School’s Dean, V.I. Dobrenkov, Paul Cameron, founder of Family Research Institute<sup>30</sup>, a pseudo-scientific, extremely homophobic right-wing Christian organisation based in the United States, gave a speech at the Department’s event. It is the ideology developed by the Family Social Studies Department that is being spread in the Russian academic and educational discourse through the publication of numerous textbooks by the Department’s staff. At the same time, *not a single state university in Russia has a gender studies department*.

One of the pillars of conservatism in the academic community is the “Russian Institute of Strategic Studies” (RISI),<sup>31</sup> established pursuant to Presidential Decree No. 202 dated 29 February 1992. “The Institute provides analytical and research support to the federal government bodies in developing strategic areas of state policies in the sphere of

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<sup>22</sup> The organisation’s website: [http://blog.profamilia.ru/wp-content/uploads/2012/01/profamilia\\_analitical\\_review\\_homosexuality.pdf](http://blog.profamilia.ru/wp-content/uploads/2012/01/profamilia_analitical_review_homosexuality.pdf)

<sup>23</sup> The organisation’s website: <http://www.worldcongress.org/>

<sup>24</sup> Website: <http://www.worldcongress.ru/>

<sup>25</sup> The Department’s page at the School’s website: <http://www.socio.msu.ru/?s=main&p=chair-i>

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> The centre’s website: <http://www.profam.org/>

<sup>29</sup> The manifesto’s website: <http://familymanifesto.net/>

<sup>30</sup> The “Institute’s” website: <http://www.familyresearchinst.org/>

<sup>31</sup> The organisation’s website: <http://www.riss.ru/>

national security,<sup>32</sup> says the Institute's website. In fact, the Institute's activities focus on spreading anti-Western sentiments in society, stoking the atmosphere of a media war unleashed against Russia and a new war in the making.<sup>33</sup>

Similar functions are performed by the independent Institute of Dynamic Conservatism (IDC),<sup>34</sup> which is in existence since 2009 but has a long pre-history (in particular, the founders and experts of this "institute" became the authors of the so-called "Russian Doctrine"<sup>35</sup> (2005) promoted by the World Russian People's Council, led by Patriarch Kirill (2007).

A strategic role in spreading traditionalism among intellectuals and thinking youth is played by the Centre for Conservative Studies, launched in 2008 at the Social Science School, Moscow State University, and led by Aleksandr Dugin.<sup>36</sup> Works by Dugin are published by a leading academic publishing house, Academic Project, and offered as textbooks.<sup>37</sup> Aleksandr Dugin is the author of the "eurasianism" concept offered to the Russian political elite as a new national idea. Affiliated organisations active on the ground include the International Eurasian Movement, launched by Dugin in 2003, and the Eurasian Youth Union,<sup>38</sup> established in 2005, to which Dugin himself refers as the "new oprichniks". It was through Dugin's efforts that in 2008, Alain de Benoist, the leader of the French "New Right", came to speak at MGU Social Science School.

The Russian Civilization Institute<sup>39</sup> was established in October 2003 "to pursue the ideas of and as a tribute to the great ascetic champion of the Orthodox Christian Russia Metropolitan John (Snychev) of St. Petersburg and Ladoga. The institute's precursor was the Encyclopedia of the Russian Civilization research and publishing centre (1997–2003).<sup>40</sup> In real fact, Metropolitan Snychev was a marked nationalist and champion of anti-Semitism and anti-Westernism. It is the spread of this kind of ideas that the Institute is engaged in: since 2005, it has been publishing the Russian Resistance series – books by "leaders of the Russian national movement discussing the Russian people's fight against the global evil forces, Russophobia, and racism."<sup>41</sup>

Two other groups also merit particular attention: "The Public Human Rights Committee" (circulating its news through the Morality and Law Internet portal)<sup>42</sup> and The State and Religion Internet portal.<sup>43</sup> Both portals stand out for their consistent homophobic stance: homosexuality is viewed by the portals' writers (as well as by the majority of traditionalists) as an inherently immoral phenomenon; therefore, they are focused on combating the LGBT movement. The content of these two portals constitutes a comprehensive case for legislation against the so-called "propaganda of homosexuality among minors".

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<sup>32</sup> About the Institute: [http://www.riss.ru/ob\\_institute/](http://www.riss.ru/ob_institute/)

<sup>33</sup> Typical in this regard is the "Strategy. Russia 2012. Foe at the Gate" programme, in which RISI "experts" speak in one voice, discussing the above issues: [http://www.riss.ru/vystuplenija\\_v\\_smi/?newsId=563](http://www.riss.ru/vystuplenija_v_smi/?newsId=563). Equally telling is the material by certain Viktor Burbaka, "On the verge of a 'big war'?" posted on the website of the "Movement for the Revival of Russian Science": [http://www.za-nauku.ru/index.php?option=com\\_content&task=view&id=5791&Itemid=39](http://www.za-nauku.ru/index.php?option=com_content&task=view&id=5791&Itemid=39)

<sup>34</sup> The organisation's website: <http://www.dynacon.ru/>

<sup>35</sup> Website of the "Russian Doctrine": <http://www.rusdoctrina.ru/>

<sup>36</sup> The centre's website: <http://konservatizm.org/>

<sup>37</sup> Books by Aleksandr Dugin: [http://www.evrazia-books.ru/index.php?option=com\\_virtuemart&page=shop.browse&category\\_id=1&Itemid=2](http://www.evrazia-books.ru/index.php?option=com_virtuemart&page=shop.browse&category_id=1&Itemid=2)

<sup>38</sup> The organisation's website: <http://www.russia3.ru/>

<sup>39</sup> The Institute's website: <http://www.rusinst.ru/>

<sup>40</sup> About the Institute: <http://www.rusinst.ru/contents.asp?id=1>

<sup>41</sup> The Institute's publications: <http://rusinst.ru/articlesoftheme.asp?rzd=2&tm=22>

<sup>42</sup> The Internet portal: <http://moral-law.ru/>

<sup>43</sup> The Internet portal: <http://state-religion.ru/>

The Russian Orthodox Church (the Moscow Patriarchate) promotes a fundamentalist approach towards the rights of the LGBT community in its officially proclaimed views and in formulating them has successively passed through the following stages: 1) 2000-2006: mild criticism (conservative rhetoric, criticisms of theological liberalism and secularism); 2) 2006-2010: rhetoric about human rights and morality; 3) 2010 till present: rhetoric about human rights and traditional values. The entire current stage is characterised by the emphasis on “traditional values”. It is noteworthy that this rhetoric is passed on beyond Russia by the country’s foreign policy establishment. For instance, in October 2010, Russia initiated a seminar at the United Nations themed “Promoting Human Rights through a Better Understanding of Traditional Values of Humankind”. In addition to the diplomats, also speaking at the seminar was Deputy Chairman of the Department for External Church Relations of the Moscow Patriarchate (DECR) Abbot Philipp (Ryabykh), who criticized “liberal values” and argued for “traditional values.”<sup>44</sup> Exactly these views were presented by Patriarch Kirill at his meeting with diplomats of the Russian Foreign Ministry in November 2010: “In the modern world, no country can claim the role of a major global player without having a clear value framework or the vision for the development of humankind. A great power is characterized by its ability to protect the traditions of its people, its religious and cultural values, and the moral fibre of society. It is by this measure that foreign states recognise a country’s status and its role in global processes.”<sup>45</sup>

It is the battle for “traditional values” that serves as a platform to bring together Orthodox Christian conservatives, Protestant fundamentalists and conservative Catholics. In particular, this theme was discussed at the meetings of the Christian Interconfessional Advisory Committee of the CIS Countries and Baltics that took place in Moscow on 4 February 2010.<sup>46</sup> In February 2011, a series of meetings took place between Metropolitan Hilarion (Alfeyev) of Volokolamsk, Head of the Department for External Church Relations of the Moscow Patriarchate, and representatives of the US-based right-wing Protestant Christians (including President George W. Bush).<sup>47</sup> During a meeting that took place between Patriarch Kirill and the head of the Pontifical Council for Promoting Christian Unity in March 2011, the Patriarch said, “As has been noted, despite the differences existing in the theological sphere, the Russian Orthodox Church and the Roman Catholic Church already now can closely interact in the areas where their positions coincide, such as the protection of traditional Christian values in Europe, assertion of the Christian stance in the social and economic sphere, in the areas of ethical academic research and bioethics. This can provide a basis for further development of cooperation using the platforms provided by international organisations: the United Nations, the OSCE, the EU bodies.”<sup>48</sup> As seen from these words, to lobby their interests conservative forces have been pooling efforts not only within Russia, but at the international level as well.

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<sup>44</sup> A seminar discussing human rights and traditional values takes place at the UN Human Rights Council: <http://www.patriarchia.ru/db/text/1291084.html>

<sup>45</sup> The Primate of the Russian Orthodox Church meets students of the Higher Diplomatic School of the Academy of the Russian Foreign Ministry: <http://www.mospat.ru/ru/2010/11/18/news30735/>

<sup>46</sup> Orthodox Christians, Catholics and Protestants urge society to return to traditional Christian values: <http://cef.ru/news/roshve/?id=917>

<sup>47</sup> The Head of the Department for External Church Relations of the Moscow Patriarchate meets a group of religious leaders from the United States: [www.mospat.ru/ru/2011/02/11/news36161/](http://www.mospat.ru/ru/2011/02/11/news36161/); Metropolitan Hilarion meets US President George W. Bush: [www.mospat.ru/ru/2011/02/11/news36171/](http://www.mospat.ru/ru/2011/02/11/news36171/); The Head of the Department for External Church Relations of the Moscow Patriarchate visits Dallas Theological Seminary: [www.mospat.ru/ru/2011/02/13/news36217/](http://www.mospat.ru/ru/2011/02/13/news36217/); “Have Salt in You”. Lecture by Metropolitan Hilarion at Dallas Theological Seminary: [www.mospat.ru/ru/2011/02/13/news36219/](http://www.mospat.ru/ru/2011/02/13/news36219/)

<sup>48</sup> His Holiness Patriarch Kirill meets the head of the Pontifical Council for Promoting Christian Unity: [www.mospat.ru/ru/2011/03/16/news38044/](http://www.mospat.ru/ru/2011/03/16/news38044/)

The adoption of Resolution A/HRC/16/L.6 “Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind” by the UN Human Rights Council (24 March 2011, 16<sup>th</sup> session) can be seen as a major success of the ROC Moscow Patriarchate’s lobbying activities. The resolution was introduced by Russia. In this way, this instrument consolidated the concept of “traditional values” in the international socio-political discourse.<sup>49</sup>

In June 2011, the representative office of the ROC Moscow Patriarchate in Strasbourg published a report by a “group of Russian experts” titled “About the right to have a critical view of homosexuality and about legitimate restrictions on the aggressive promotion of homosexuality,”<sup>50</sup> which is in effect a summary of homophobic argument for launching the attacks on the human rights of LGBT persons.

In September 2011, Clarifications by Vsevolod Chaplin, head of the Synodal Department for Church and Society of the Russian Orthodox Church, were issued to present the Church’ stand on the promotion of homosexuality and activities of LGBT groups. The document says, in particular, “And I stress that the demonstration of the triumph of vice, as embodied by the LGBT groups’ activities, is in conflict with the fair requirements of morality, which for many centuries have been guiding the life of our society.”<sup>51</sup>

However, the ROC Moscow Patriarchate’s attacks on human rights under the pretext of “protecting traditional values” are not confined to the above activities. A comprehensive review of such efforts would require a separate report.

Another religious group in Russia actively participating in culture wars is the Russian United Union of Christians of Evangelical Faith (Pentecostals) (ROSKhVE). ROSKhVE is led by Sergey Ryakhovsky, who is Co-Chairman of the Advisory Council of Heads of Russian Protestant Churches, member of the Public Chamber of the Russian Federation, Member of the Presidential Council for Coordination with Religious Organisations, Member of the Commission for Harmonisation of Inter-Ethnic and Inter-Religious Relations, Member of the Presidium of international human rights movement “The World without Nazism”.

ROSKhVE earlier than the ROC Moscow Patriarchate stated its stand on many issues of culture wars. This is explained by the fact that this confession has direct links to the right Protestant fundamentalists of the United States, which prompted it to borrow not only theological rhetoric, but also the social and political agenda. It was the leadership and members of this religious organisation who initiated in 2008 judicial prosecution of 2x2 TV channel for “the promotion of immorality, homosexuality and pedophilia”. In this regards religious scholar Boris Falikov noted, “Russian Pentecostals have to constantly prove their loyalty and one of the best such proofs is a struggle for morality. ‘We are as good as Orthodox Christians, Muslims or Jews,’ say Protestants enthusiastically and seek to get a part of a ‘contract on morals’, which the state is eager to grant to traditional religions. The most important thing in this situation is to select an appropriate target for moral anger, and South Park looked like an ideal choice for Pentecostals.”<sup>52</sup>

However, the LGBT community has become the most convenient target for ROSKhVE. Since 2004, this organisation has regularly circulated its statements about the unac-

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<sup>49</sup> About the adoption of Resolution “Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind” by the UN Human Rights Council // Official website of the Russian Foreign Ministry: [http://www.mid.ru/brp\\_4.nsf/0/57069516AC3D7C09C325785D005D4E92](http://www.mid.ru/brp_4.nsf/0/57069516AC3D7C09C325785D005D4E92); The UN Human Rights Council adopts a resolution on traditional values // Official website of the Department for External Church Relations of the ROC Moscow Patriarchate: [www.mospat.ru/ru/2011/03/25/news38696/](http://www.mospat.ru/ru/2011/03/25/news38696/)

<sup>50</sup> Russian version of the report: <http://www.state-religion.ru/files/Doc.pdf> and French: <http://www.state-religion.ru/files/doc-fr.pdf>.

<sup>51</sup> Full text: <http://www.ovco.org/2011/09/3383>

<sup>52</sup> B. Falikov, “South Park and a contract on morals // Gazeta.py. 2008. 22 September. URL: [http://www.gazeta.ru/comments/2008/09/21\\_a\\_2840884.shtml](http://www.gazeta.ru/comments/2008/09/21_a_2840884.shtml)

ceptability of the “promotion of homosexuality” and the need to restrict the constitutional rights of LGBT persons.<sup>53</sup> They take similar efforts on the international stage as well, e.g. in the OSCE.<sup>54</sup> In June 2011, ROSKhVE backed the “report” published by the ROC Moscow Patriarchate’s representative office in Strasbourg.<sup>55</sup> A clause on “countering the promotion of homosexuality” has been included in the official action plan of this religious organisation for 2012.<sup>56</sup> In 2012, it is ROSKhVE activists who alongside “Orthodox Christian activists” actively collect signatures in Russia’s regions in support of regional legislation banning the so-called “promotion of homosexuality.”<sup>57</sup>

Another odious organisation acting under ROSKhVE’s guidance is Foundation “For Future without Homosexuality”. As noted by the Foundation’s President Bishop Konstantin Bendas, who is ROSKhVE’s Chief of Administration and Ryakhovsky’s Deputy, “Our foundation was established in response to a request from the Moscow City Ministry of Justice, which needed public support for denial of registration to an organisation involved in the promotion of homosexuality among youth. We collected lots of information and spoke in court to show that this phenomenon was absent from the traditional Russian culture. We prevented the registration of this propaganda organisation and proved the case for denial of permit for gay marches. I also presented our stand publicly at a series of OSCE events in Europe; for that I was “banned” for several years from visiting Schengen states.”<sup>58</sup>

In its interaction with the government ROSKhVE follows in the tracks of the ROC Moscow Patriarchate, trying to “play the tune” a Protestant way. In all regions of Russia

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<sup>53</sup> Executive Director of the Russian United Union of Christians of Evangelical Faith Konstantin Bendas: There will be no pink stripe on the Russian flag, or Where we are Heading to? (2004) <http://www.portalcredo.ru/site/?act=fresh&id=240>; Statement by the Head of the Russian United Union of Christians of Evangelical Faith (Pentecostals) Bishop Sergey Ryakhovsky (2004): <http://www.portalcredo.ru/site/?act=news&id=26639>; Statement by Bishop Sergey Ryakhovsky, Member of the Public Chamber of the Russian Federation, Head of the Russian United Union of Christians of Evangelical Faith (Pentecostals) (2007) <http://old.cef.ru/3/a/2091/>; Protestants of Russia are ready to take to the streets of Russian cities and towns to protest holding of the so-called “gay marches” in Moscow and other regions of the country (2007): <http://old.cef.ru/6/a/2772/>; Position of the Russian United Union of Christians of Evangelical Faith (Pentecostals) on homosexuality and transsexualism (change of sex) (2009): <http://old.cef.ru/3/a/6997/>; Comment by Bishop Konstantin Bendas, First Deputy Head Bishop and ROSKhVE’s Chief of Administration on the demand by sexual minority rights champions to ban entry to European countries and the United States for St. Petersburg Governor Georgy Poltavchenko (2012): <http://cef.ru/news/roshve/?id=4874>; Penza Protestants support St. Petersburg’s Governor (2012): <http://cef.ru/news/roshve/?id=4896>; Open statement by Bishop Eduard Deremov, Head of “Exodus” Association of Churches, on the ban on the promotion of homosexuality and pedophilia in Russia (2012): <http://cef.ru/news/roshve/?id=4969>.

<sup>54</sup> На совещании the OSCE в Варшаве Russian Protestants were the only ones to speak out against the promotion of homosexuality: <http://old.cef.ru/3/a/1368/>

<sup>55</sup> Open statement by Bishop Sergey Ryakhovsky: <http://cef.ru/news/roshve/?id=3709>

<sup>56</sup> ROSKhVE’s leadership decides on its plans for 2012: <http://cef.ru/news/roshve/?id=4349>

<sup>57</sup> Bishop Eduard Deremov, Plenipotentiary Representative of the Head Bishop of the Russian United Union of Christians of Evangelical Faith in the Rostov Region, floats an initiative of a law banning the promotion of homosexuality and pedophilia among minors: <http://cef.ru/news/roshve/?id=5262>; Christians, Muslims and Jews collect signatures in Tyumen in support of the law banning the promotion of homosexuality: <http://cef.ru/news/roshve/?id=5305>; Voronezh Protestants ask for the development of a regional law banning the promotion of homosexuality: <http://cef.ru/news/russia/?id=5323>; Bishop Andrey Kozlov, Plenipotentiary Representative of the Head Bishop of ROSKhVE in the Voronezh Region and Senior Pastor of the “Exodus” Church (Voronezh), on the efforts to initiate Law “On the ban of the promotion of homosexuality among minors” on the local level: <http://cef.ru/news/roshve/?id=5369>; Oleg Storozhev, Plenipotentiary Representative of the Head Bishop of the Russian United Union of Christians of Evangelical Faith in the Krasnodar Territory and Pastor of the “Exodus” Church in Krasnodar, gives comment on the enactment of the local law banning the promotion of homosexuality: <http://cef.ru/news/roshve/?id=5493>; Collection of signatures in support of Law “On the ban of the promotion of homosexuality among minors”: <http://cef.ru/news/roshve/?id=5530>.

<sup>58</sup> Society needs “Family Traditions”: <http://cef.ru/news/roshve/?id=4866>

the leaders of this religious organisation seek support of governmental officials trying to prove their loyalty. The same picture is observed at the federal level as well.<sup>59</sup>

This overview is not meant to provide a comprehensive coverage of all traditionalist and conservative forces active in Russia. It presents only the key actors shaping the discourse of the culture war in the country. The offensive of conservatism in Russia did not happen overnight. As we have seen, many conservative groups were launched at the very start of the 1990s, gaining strength overtime and finding support with various groups of society.

### **Consistent implementation of the traditionalist revanchism policy in Russia**

The policy of traditionalist revanchism has taken shape over the course of the last 20 years and gained maximum power during the first decade of the 21<sup>st</sup> Century. The following key milestones can be highlighted (the list is sketchy and not complete; no special research has been carried out into the subject):

- a) since 1991 (in a number of Russian regions) till present (across the entire Russia): introduction of religious education in public schools – school subject on the Basics of Christian Orthodox Culture (currently “Basics of Religious Cultures and Secular Ethics”);
- b) since the 1990s till present: an offensive on the religious liberty of citizens, the division of religions into the “traditional religions of Russia” (Christianity: Orthodox Christianity, Catholicism, Lutheranism; Islam; Judaism; and Buddhism) and “sects”, “totalitarian sects” etc. (all religious associations not fitting into the concept of “traditional religions”);
- c) second half of the 1990s – 2000s: efforts to obstruct liberal priests and opinions within the ROC Moscow Patriarchate itself (barring from ministry, outstaffing, excommunication). Currently, the “Orthodox Christian liberals” try to be inconspicuous in the life of the church and have returned (like it was the case back in the Soviet Union) into “internal immigration”;
- d) since the 1990s till present: introduction of a military chaplain system,<sup>60</sup>
- e) late 1990s: ban on sex education in Russian schools (many of the above mentioned organisations, particularly the Parents' Committees and the People's Council were among those initiating the ban);
- f) 2003: Orthodox Christian extremists from the People's Council vandalized the “Caution! Religion” modern art exhibition set up in the Andrey Sakharov Centre;
- g) 2005: the Centre's Director Yury Samodurov and the exhibition supervisor Lyudmila Vasilevskaya found guilty of “inciting ethnic and religious strife”,<sup>61</sup>

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<sup>59</sup> Cooperation between the state and Evangelical Churches of Russia to become even more constructive: <http://cef.ru/news/roshve/?id=5324>; Bishop Sergey Ryakhovsky: The Governor noted the contribution of Evangelical Church to the spiritual and moral foundations of society: <http://cef.ru/news/roshve/?id=5536>; St. Petersburg police to become more competent in confessional matters: <http://cef.ru/news/roshve/?id=4497>.

<sup>60</sup> S.A. Mozgovoy. On the question of introducing a military chaplain system in the Russian Armed Forces: <http://www.portal-credo.ru/site/?act=lib&id=2916>

<sup>61</sup> Case file: [http://www.sakharov-center.ru/museum/exhibitionhall/religion\\_notabene/Taganskij\\_sud/ title.htm](http://www.sakharov-center.ru/museum/exhibitionhall/religion_notabene/Taganskij_sud/ title.htm)

- h) 2006: Director of the Andrey Sakharov Centre Yury Samodurov and the “Forbidden Art 2006” exhibition supervisor Andrey Yerofeyev accused under the same article, “inciting ethnic and religious strife”, in response to complaints by activists of the People’s Council;
- i) 2010: Yury Samodurov and Andrey Yerofeyev found guilty,<sup>62</sup> in other words, the triumph of conservative Church censorship in Russia;
- j) On 30 November 2010, Russia’s President Dmitry Medvedev signed Federal Law of the Russian Federation No. 327-Ф3 “On the Transfer of Property of a Religious Nature Held in State or Municipal Ownership into the Ownership of Religious Organisations”,<sup>63</sup>
- k) since 2000 till present: the introduction of Theology specialization at public higher education establishments (as of 2011, 21 higher education establishments gave degrees in this specialization).<sup>64</sup> In fact, there can be no “theology” in modern Russia in the sense it is understood in the West – there is not a single theology school; experts are lacking and theological education in Orthodox Christian educational establishments markedly differs from international standards in this area and is a mixture of religious fundamentalism and conservatism;
- l) since 2000 till present: active opposition to the introduction of juvenile justice in Russia;
- m) since 2000 till present: the introduction of censorship, banning of books “promoting drugs”<sup>65</sup> (including by authors like William Seward Burroughs, Irvine Welsh, Stanislav Grof, Timothy Francis Leary, Aleister Crowley and others),<sup>66</sup>
- n) since 2006 till present: annual denials of permits to hold a Gay Pride march in Moscow;
- o) since 2006 (with some earlier attempts) till present: enactment of legislation at the regional level (2006 – the Ryazan Region, 2011 – the Arkhangelsk Region, 2012 – the Kostroma Region, St. Petersburg, the Novosibirsk Region, the Magadan Region, the Samara Region, the Krasnodar Territory) and debates at the federal level (the relevant bill was introduced by Deputies of the Novosibirsk City Duma) against the so-called “promotion of homosexuality among minors”,<sup>67</sup>
- p) 2008: Rosokhrankultura (Federal Service for Monitoring Compliance with Cultural Heritage Protection Law) issued a warning to 2x2 TV channel to halt broadcasting of certain cartoon series. ROSKhVE requested Prosecutor General Yury Chaika to shut down the channel which in their view was engaged in “hidden or explicit promotion of

<sup>62</sup> INTERVIEW: The “Forbidden Art 2006” exhibition supervisor ANDREY YEROFEYEV on the outcomes of the trial of the exhibit’s organisers, the People’s Council, and the ROC Moscow Patriarchate’s official position: <http://www.portal-credo.ru/site/?act=news&id=78520>.

<sup>63</sup> State Duma hearings on Draft Law “On the Transfer of Property of a Religious Nature into the Ownership of Religious Organisations...”: The outcome: [http://www.scepsis.ru/library/id\\_2806.html](http://www.scepsis.ru/library/id_2806.html).

<sup>64</sup> M.M. Shakhnovich. Theology as a professional occupation: <http://www.ej.ru/?a=note&id=9909>.

<sup>65</sup> A. Delfinov. Why the drugs police ban books: [http://www.chaskor.ru/article/zachem\\_narkopolitsiya\\_zapreshchaet\\_knigi\\_27984](http://www.chaskor.ru/article/zachem_narkopolitsiya_zapreshchaet_knigi_27984).

<sup>66</sup> The Federal Drug Control Agency compiles a list of banned books: [http://www.chaskor.ru/news/gosnarkokontrol\\_sostavil\\_spisok\\_zapreshchennyh\\_knig\\_12261](http://www.chaskor.ru/news/gosnarkokontrol_sostavil_spisok_zapreshchennyh_knig_12261).

<sup>67</sup> See website: <http://stopzakon.wordpress.com>.

homosexuality and pedophilia, asocial lifestyles, and other numerous vices.<sup>68</sup>

- q) 2011: years-long targeted offensive on the reproductive rights of women culminated in the enactment of a law which, according to some experts, significantly restricts the reproductive rights;<sup>69</sup>
- r) 2012: introduction of varied punishment for heterosexual and homosexual acts with persons under 16; no punishment may be given for such actions in case of marriage – no same-sex marriages are recognised in Russia;<sup>70</sup>
- s) 2012: introduction of tougher punishment for offences against sexual integrity of children up to chemical castration;<sup>71</sup>
- t) 2012: tougher law on rallies;<sup>72</sup>
- u) 2012: enactment of the law on “foreign agent” NCOs;<sup>73</sup>
- v) 2012: the law on censorship in the Internet;<sup>74</sup>
- w) 2012: feminist activists from Pussy Riot condemned for a “punk prayer” at the altar of Moscow’s Cathedral of Christ the Saviour – the activists convicted for two years in general regime penal colony.

Currently, despite the continued debates among the traditionalists, conservative forces in Russia are quite consolidated and have an access to key political leaders or often occupy key political offices themselves. In other words, one can say that the “national idea” the government had sought to “unite the nation” has been identified (at least they think so). On the other hand, it should be noted that active groups with traditionalist sentiments have emerged in Russia as part of civil society and this force has to be reckoned with. It is these forces that actively and successfully lobby restrictions on the constitutional rights of the LGBT community.

## Conclusion

A culture war in Russia is a reality not only in the discourse space. The last year’s events clearly show that a culture war is becoming a fact and a social reality. Currently Russia is going through a period of traditionalist revanchism, as seen above all from the massive offensive on universal human rights and liberal values, against which the culture war was in effect unleashed by champions of traditionalism and conservatism.

The conservatives, despite their internal differences, are a well-consolidated force taking consistent efforts towards their goals. Their groups are numerous and diverse;

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<sup>68</sup> Prosecutor General’s Office invited to watch cartoons: <http://www.kommersant.ru/Doc-y/865772>; Russian Protestants urge a ban on 2x2 TV channel: [http://news.bbc.co.uk/hi/russian/russia/newsid\\_7291000/7291553.stm](http://news.bbc.co.uk/hi/russian/russia/newsid_7291000/7291553.stm).

<sup>69</sup> For more detail see: <http://sites.google.com/site/protivabortov2011>.

<sup>70</sup> “The Draft Law provides a punishment of up to 4 years’ imprisonment for persons over 18 who have sexual intercourse with prepubescent persons under 16. Sodomy, lesbianism with a prepubescent person under 16 shall be punished by up to six years’ imprisonment. For offences under this article, the court can give 3 to 10 years of imprisonment when the victim is older than 12 but under 14. The authors made one note. The court may give no punishment to a person who has a sexual intercourse with a teenager under 16 “if it is established that this person and the offence committed by them ceased to be injurious to the public due to marriage to the victim.” The State Duma enacts a bill toughening punishment for pedophiles: <http://www.itar-tass.com/c1/328251.html>.

<sup>71</sup> The State Duma of the Russian Federation agrees to chemical castration for pedophiles: <http://www.regnum.ru/news/1496547.html>.

<sup>72</sup> Putin signs a law on rallies: <http://www.rg.ru/2012/06/08/miting.html>.

<sup>73</sup> Law on “foreign agents” passed: <http://www.dni.ru/polit/2012/7/13/237002.html>.

<sup>74</sup> The State Duma finally passes the law on Internet censorship: <http://grani.ru/Politics/Russia/Parliament/Duma/m.198975.html>.



they have a good financial and, most importantly, political support. The ideology they spread strikes a chord with the population, since its main thrust is on the “revival of a strong Russia”. Given the current environment, one can state that it has every sign of a civil society group all other parts of society have to reckon with.

In the current situation, the growing LGBT movement has found itself on the front-lines of a cultural war, since the issues related to gender, sexuality and family form the basis of the human being’s identity and any liberal approaches are seen by the conservatives as an attack on the fundamental values.

# THE VIOLATION OF HUMAN RIGHTS AND DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY IN RUSSIA<sup>75</sup>

*Maria Kozlovskaya*

## Introduction

This overview details the incidents of the violation of human rights and discrimination on the basis of sexual orientation or gender identity in 2011–2012, which became known to the Russian LGBT Network.

The Russian LGBT Network's monitoring covers eight regions in the Russian Federation, which means that the overwhelming majority of similar incidents in over 70 other regions of Russia fall outside our radar.

As seen from this report, more incidents are reported for the regions where the LGBT community is becoming more open and visible in the social space, where people start speaking up for their rights and asserting their dignity. It means that as the community becomes increasingly open its individual members cease being afraid of reporting violations of their human rights or discrimination against them on the basis of sexual orientation or gender identity, as they know they can get necessary psychological and legal support from LGBT groups.

### **1. Acts of omission and arbitrary actions by law-enforcers; the violation of the right to a fair trial**

In November 2011, Grigory, Mikhail and a group of other activists staged one-person pickets outside the St. Petersburg Legislative Assembly. After the end of the pickets all participants grouped together to take photos. They were discussing this and police officers heard their conversation (as they stood just a few metres away from them). On the count of three the activists put up their placards and took photos. Grigory and Mikhail were approached by a police officer, who did not introduce himself and led them to a police vehicle. When transported to a police station, they sat in the cargo area, though there was a dedicated space for detained persons; the police did not react to any questions. Upon arrival to the police station, administrative offence reports were drawn up on both men. The data entered into the forms did not correspond to the actual events. The court found that in fact Grigory had not committed the offence described in the report. Mikhail nevertheless was found guilty; however, the court decision was appealed to a higher court.

On 12 January 2012, in Novosibirsk, an LGBT activist was assaulted after he tried to put up a rainbow flag at a demonstration for fair elections in December. The Network's Regional Chapter filed a report with the police, requesting criminal prosecution under

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<sup>75</sup> The information was obtained through monitoring of human rights abuses and discrimination on the basis of sexual orientation and gender identity. The monitoring project was implemented with the support of the Foundation "Remembrance, Responsibility and Future" (EVZ). Monitoring efforts were carried out by LGBT group Coming Out (St. Petersburg); the Novosibirsk, Perm, and Tyumen Regional Branches; and Komi Republican Branch of the Russian LGBT Network; as well as the Vladivostok Initiative Group.

the charge of battery, arguing that the person had been beaten up because he was gay. The official response from the police was that battery complaints must be filed by individuals and therefore, they had no authority to open a criminal case. The argument that criminal proceedings must be instituted whenever a hate crime is reported was ignored by the police.

On 2 April 2012, Coming Out, an LGBT group, filed a complaint with the St. Petersburg City Court against the law banning the promotion of homosexuality among minors, citing that it was in conflict with the federal legislation. On 24 May 2012, at court hearing Federal Judge T. Gunko did not take into account the arguments presented by lawyer of Coming Out and repeatedly tried to discredit the lawyer, using rude expressions. The request to repeal the law was dismissed.

On 31 May 2012, a written court decision was received, which misinterpreted the “LGBT” initialism. Despite a statement by Igor Kochetkov that it read “lesbians, gays, bisexuals, transgender people”, the court decision cited the initialism as “lesbianism, homosexuality, bisexuality and transgenderism”.

On 19 June 2012, an initiative group came to the building of the Novosibirsk Region Administration to stage one-person pickets to protest the “law banning the promotion of homosexuality among minors” considered at the time. After the first placard was unfolded, a group of people came out of the building. They introduced themselves as security guards and started inquiring why the activists were standing there and asking them to leave. One of the “guards” was particularly insistent. To an observer’s remark that the picket participants had the right to express their opinions in such a way, he said, “I know it is legitimate and you have the right to do it, but you’d better leave anyway”.

## **2. Invasion of privacy**

On 28 February 2012, in St. Petersburg, a court hearing was held into the charges against a volunteer with Coming Out, an LGBT group. Valeriya was charged with participating in an unauthorized rally and failure to obey a police order. During the court hearing, the witnesses for the prosecution, the police officers who did the arrests (Demchenko) said that Valeriya was “promoting a perversion”. In fact, the girl was just holding a placard saying “Laws against Homosexuals are Inhumane”. The next court hearing of the case took place in March 2012. During the hearing, the judge took the liberty of asking Valeriya an inappropriate question. She asked: “So you want your children to become homosexuals?” The response was, “I want my children to be themselves”. The judge said, “Your orientation is clear.” Valeriya got a conviction.

## **3. The violation of and attempts to restrict freedom of expression (including the right to seek and disseminate information)**

On 24 December 2011, Igor Kochetkov was to speak at a rally for fair elections in St. Petersburg on behalf of the Russian LGBT Network and Coming Out. The decision to include him on the list of speakers was taken by the rally’s organizing committee. When Igor was at the platform, an official organizer of the rally and a leader of A Just Russia political party Oksana Dmitriyeva asked him what organisation he represented and after getting a response said that Igor could not speak at the event. When asked to clarify, she explained: “You cannot speak at the rally because the organiser is A Just Russia and it does not support the LGBT movement”. She gave instructions to deny Igor access to the microphone.

On 31 May 2012, when giving reasons at the Smolnensky District Court for denying authorization for street demonstrations by the LGBT community, a representative of the

Central District Administration suggested that the LGBT community express their views behind closed doors, pointing out that all slogans of the organizers were “propaganda of homosexuality”.

#### **4. Violation of the freedom of peaceful assembly and association**

On 7 April 2012, lawyer Sergey Kondrashov was arrested during a one-person picket he staged to mark the “Day of Silence” because he carried a placard saying “A friend of our family is lesbian. My wife and I love and respect her; her way of life is as normal as ours, and her family is as socially valuable as ours.” The grounds cited for his arrest were the promotion of homosexuality (Article 7.1) and failure to obey a legitimate police order. The materials supporting the charge under Article 7.1. went missing in the court and currently are not officially cited anywhere. It appears that Sergey failed to obey a police order to stop the offence he did not commit.

On 7 April 2012, Igor Kochetkov was arrested during a one-person picket to mark a “Day of Silence” for carrying a placard saying “No to silencing hate crimes against gays and lesbians”. The grounds for his arrest were the promotion of homosexuality and failure to obey a legitimate police order. The court dismissed the charges citing the fact that that no failure to obey a police order was established, while a police report charging him under the “promotion of homosexuality” article was lost in court and the case was not heard.

A notice of a “Day of Silence” picket planned for 7 April 2012 was filed with the Moscow District Administration of St. Petersburg. The notice was dismissed on the grounds that it did not correspond to the established form, which was untrue since the law did not prescribe any specific forms, just setting out certain requirements to the content and those were fully met, as seen from the fact that similar notices filed in another district of St. Petersburg passed the admissibility test and the pickets were agreed with the authorities.

The St. Petersburg Central District Administration dismissed a notice of a “Day of Silence” picket (planned for 7 April 2012) and a notice of a rally to mark the International Day against Homophobia and Transphobia (planned for 17 May 2012), citing the “law on gay propaganda”. The Administration classified the scheduled events as administrative offences, thus overstepping its authority.

Arrests on 1 May 2012, during an authorized march of a democratic column. LGBT activists, carrying rainbow flags, were among participants in a demonstration held by St. Petersburg’s democratic organisations in support of human rights. They were arrested by police officers who acted rudely and gave no explanations, just snatching out the activists carrying flags and driving them to a prisoner van. Ten people in total were arrested. As soon as the arrests started, all those walking in the democratic column stopped moving. Since the police did not intend to release the arrested as demanded by the remaining participants in the march, the organisers of the democratic column took a decision to place the Rainbow column at the head thus preventing further police arrests. Further participation of the LGBT community in the march would not have been possible without the support and solidarity shown by other organisations. The organizers sharing democratic values included the St. Petersburg Chapter of PARNAS political party, denied registration by the authorities, Solidarity Movement, the Russian People’s Democratic Union, the Libertarian Party of Russia, Petersburg Observers association, Civic Responsibility movement, and the regional chapter of Yabloko political party. Already when the demonstration reached the Konyushennaya Square, its destination point where the general rally was starting, another seven persons were arrested over the placards decrying the state’s homophobia.

It is a telling fact that from among hundreds of the march participants only those speaking out against homophobia of Russian society and state were arrested. Although some of the arrested persons were told by the police during the detention they there were violating the “gay propaganda” law, the relevant article was not cited in any of the police reports. All the arrested persons spent over three hours in custody. At least two of them were unlawfully fingerprinted; mugs were taken of the arrested individuals. Physical force was applied against one of the detainees – a cell phone was taken away from him. The police officers were abusive. All detainees were threatened with detention until the morning in case they refused their fingerprints or photos be taken. The arrested individuals were charged with the participation in an unauthorized rally at the Konyushennaya Square and failure to obey a police order. In court hearings the accused insisted that they took part in a Democratic March, agreed upon with the city administration and aimed to assert the rights and freedoms of citizens. The slogans on their placards (e.g. “Homophobia is against the Law”) were also in conformity with the demonstration’s goals and raised awareness of the unacceptable violation of the rights of gay, lesbian, bisexual and transgender people. As was expected by the human rights defenders, following the examination of the case files and the evidence presented to it, the court did not find any elements of an administrative offence in the activists’ actions and dropped the cases. However, this applied only to five of the arrested persons. Court hearings of the cases targeting the other 12 activists never took place.

### **5. Discrimination at work and in employment**

Following their unlawful arrest on 16 November 2011, the information about Grigory and Mikhail taking part in a picket against a homophobic law was published in an Internet outlet, specifying their names and employment data. Grigory is an employee at a children’s entertainment centre. The head of centre saw the reports and said it was ok with her, but the parents of the children cared after by Grigory and the management of the state-run centre might take it badly and insisted that Grigory hand in a resignation letter. Grigory assessed all the risks related to his dismissal and decided to resign voluntarily to avoid the conflict.

Yelena took a job in Perm. Her co-workers looked askance at her, whispering behind her back; she tried not to pay attention. Then, one month later, on 1 March 2012, she was approached by a co-worker, who asked her directly: “Yelena, are you lesbian?” She said, yes. After that the “news” reached her boss and he invited Yelena to his office for a conversation, during which he said, “Well, since you are not going to take a maternity leave, please work overtime”. Yelena still has to work here, suffering insults and harassment because of her sexual orientation.

### **6. Discrimination in educational institutions**

On 12 September 2011, a regional branch received a call from a girl who introduced herself as Svetlana. She said she was 22 and a university student in Tyumen. Svetlana complained at incessant insults by her fellow students. As explained by Svetlana herself, she has many friends who are gays or lesbians and is often seen with them by her fellow students. Because of her social circle the students started to treat her badly, making insults and calling her a “defender of faggots”. Svetlana was given advisory assistance and explained her rights in the context of the situation.

Svetlana is a student at one of St. Petersburg’s institutes affiliated with the ROC and Orthodox Christian organisations. The rector sees himself as an Orthodox Christian. Following street demonstrations in December 2011, the media carried her photos with a

placard saying she was part of the LGBT community. The girl was invited over to the rector's office. She was told that, according to the Orthodox Christian creed, being a lesbian or a gay was a sin. She was also asked about her life and why she stood there with a placard. Then she was told her "expulsion was being considered" and attempts were made to discourage Svetlana from protecting the rights of LGBT persons. The rector told her she was to be sent down. One week later, they stopped pressuring Svetlana, obviously for lack of leverage to influence her.

On 7 June 2012, an MtF girl in Perm came to sit for a Uniform State Exam in maths, for which she studied hard. At the entrance to the classroom she was asked to present her ID. The inspecting person looked at the girl and the record in her passport and started laughing at her, telling her to leave until the arrival of a police officer. He ignored the fellow students and teachers (who also had their passports on them) confirming the girl's identity and dismissed her explanations that she was a transsexual and the ID was hers. A male police officer was called in, who invited her to an isolated room and asked her to take off her clothes. It was only then that the girl was allowed to take her exam.

## **7. Physical violence and hate crimes**

On 12 October 2011, a picket in support of LGBT rights was held at an embankment in Novosibirsk. The picket was disrupted by five to six unidentified persons, who threw eggs at the activists and journalists, shouting "There is no place for you and the likes in Russia!"

On 20 November 2011, one-person pickets were held in St. Petersburg against the "propaganda law". Valeriya stood there with a placard saying "I am a lesbian – a human being, not propaganda. Babich, don't be afraid of me" and information leaflets. She was approached by a young man in sportswear, who hit the reporter the girl was giving an interview to and snatched the placard. He stepped aside, threw the placard on the ground and started stomping on it, after which he left – all without saying a word. Valeriya picked up the placard and carried on with her picket. She also gave the interview to the reporter, whose nose was bleeding.

After the interview, a small group of photographers and interested passers-by gathered around. A man in his fifties also approached them. "He was energetic in his movements and his intentions were clearly bad," Valeriya recounted. She looked at him intently, smiling. The man asked, "What's going on here?" Valeriya calmly explained the goal of her picket, to which he responded, "This is a law against pedophiles; no need for you to stand here." He snatched the placard and carried it away with him. "When the man carried the placard away I approached a police officer, asking him to do something about it, but he just stood there, his eyes down," Valeriya added.

In November 2012, Sergey had a birthday party at MAX gay club in Novosibirsk. When he left the club, he was assaulted by two men some 25 to 30 years old, who started shouting homophobic insults and beating him. When Sergey fell to the ground, they continued kicking him. The club security ran up and the men ran away. The victim chose not to record his injuries or report to the police out of fear.

In December 2011, Boris, a volunteer with the Tyumen Regional branch, was walking home. He was stopped by several unknown men, who started beating him, making insulting remarks addressed to him as a member of the gay community. Boris sustained numerous injuries. He refused to report to the police.

On 12 December 2011, in Perm, Yelena was walking to her work in the morning when she was approached by two young men who asked her for a lighter. She said she had no lighter, after which one of the men hit her on the back and the other one said she was a liar and made an offensive remark about her orientation. The attacker tried to

make another blow from behind; however, the girl managed to defend herself by throwing the attacker over her shoulder, after which the other man hit her on the head. The attackers snatched her backpack and ran away. Yelena tried to file a report with the police; it was admitted. However, the police made it clear they were not going to investigate the crime properly as there were too many similar incidents.

On 8 January 2012, Alfred-Ruslan was walking down a St. Petersburg street towards a metro station (around 5 or 6AM) after an early morning stroll. Outside SPB bar on the Marata Street he witnessed a situation that seemed curious to him. "I gathered that there was a gay person (judging from his manners and the way of talking) who was being bullied by two drunken street thugs. I approached them to ask if he was ok and needed help. I did not receive any answer. One of the street thugs asked me if I was gay, to which I said, yes. The other one responded in split second and hit me thrice on the head. I fought back and we left. I had a laceration and a dislocated jaw, but I visited a doctor only one week later," the young man recounted.

On 1 January 2012, a 52-y-o man was murdered in St. Petersburg; 25 stab wounds were found in his body. The killed person was wearing lingerie. The man, who was an open gay, had been having drinks with three of his acquaintances, who then murdered him.<sup>76</sup>

On 12 March 2012, in Samara, Mikhail was spending time with his friend and his friend's girlfriend at their common friends' place, where he admitted he was gay. Later in the evening, when Mikhail was going to go home, his friend volunteered to see him off. When they entered the lift, he started hitting Mikhail on the head. Mikhail was hospitalized; soft tissue bruises and a head injury (concussion) were recorded. The medical report was referred to the police. Upon his discharge from the hospital, Mikhail visited a police station to file a report; however, they started trying to talk him out of it, suggesting that he invited the attacker to the police station to "talk this over and settle the dispute". After Mikhail refused, they were reluctant to write out a document confirming the report was accepted and gave it only after a telephone conversation with a lawyer from the Russian LGBT Network took place.

On 29 March 2012, the Russian LGBT Network's hotline received a call from the wife of MtF Aleksandr-Anzhela from St. Petersburg, who told that her husband was beaten up by his relatives because Aleksandr-Anzhela went out into the corridor wearing woman's clothes. She was severely beaten, with tufts of her hair torn out in several places. "Somebody called in the police; both were in a state of shock, mixing words and very scared," an operator at the Hotline explained. The incident was referred to a lawyer of the Russian LGBT Network to provide advice to the victim on how to deal with the situation. However, during her meeting with the lawyer, the victim withdrew her report and decided instead of protecting herself and her rights to resolve the issue in an amicable way.

On 4 May 2012, a 17-y-o FtM person approached Coming Out, an LGBT group, to report that he was beaten up by his mother and relatives at their place. Vitaly lives in St. Petersburg together with his mother at their relatives' place. He had a conflict with his relatives over Vitaly's gender identity, accompanied by insulting remarks. His mother bit and hit him and then locked him up in his room. Earlier, the mother had taken him to a psychiatrist in an attempt to establish some mental disorders. Vitaly ran away from home through the window and did not want to go back as was afraid he would be taken away from St. Petersburg and placed in a mental clinic.

On 17 May 2012, a group of activists in Novosibirsk was heading towards a park to release rainbow coloured balloons into the air and then join the "Rainbow flash mob" event taking place in cities and towns across Russia. Even before they reached a meeting

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<sup>76</sup> Based on materials of Neva24.ru: [http://www.neva24.ru/a/2012/01/15/52-letnego\\_geja\\_25\\_raz\\_uda/](http://www.neva24.ru/a/2012/01/15/52-letnego_geja_25_raz_uda/)

point to join the bulk of the activist group, the guys were faced by a group of five young men, who approached them and asked what they were doing there. They started insulting the activists, referring to their alleged sexual orientation, and snatching the balloons and bursting them, injuring the arm of Nataliya, Russian LGBT Network activist. After that they left. A police woman was strolling nearby but took no action to help the victims.

On 17 May 2012, Coming Out, an LGBT group, held “A Rainbow Flash Mob” in St. Petersburg’s Petrovsky Park to mark the International Day against Homophobia and Transphobia. The event was agreed upon with the authorities and was guarded by police officers and OMON riot police. “Orthodox Christian activists” protesting public demonstrations by the LGBT community gathered nearby, including two young men holding one-person pickets against an LGBT event in the immediate vicinity. One of them held a placard reading “Perverts, repent! The heavenly kingdom is closed for sodomites”. The young man gave an interview to PiterTV Internet channel, in which he said, “These brazen sodomites are used to breaking the law; they seek to recruit the youth to indulge in perversions and corrupt them. They are agents of dark forces; they are agents of fallen angels; it is clear when you start talking to them. They simply cannot control themselves. Forces of hell talk through them.”

At that moment, one of the “Orthodox Christian activists” attacked participants of the flash mob, firing Udar gas gun into Boris Romanov’s face. The victim was driven in an ambulance to the Pokrovskaya Hospital after giving a statement to the police. From there he went to Diagnostic Clinic No. 7, to record his injury (a mild eye burn). The attacker was arrested.

Another young man was holding a one-person picket wearing an Orthodox Christian cross and shouting: “Sodomites, get out of Peter!”, “There will be no Sodom in Russia”, “Faggots are freaks”, “Yabloko are shithheads, Yabloko are faggots, faggots are shitheads”. After a police officer remarked that such swearwords were unacceptable and he would be arrested if continued, the man confined himself to just one phrase, “Sodomites, get out of Peter!” Journalists of the above-mentioned media took an interview, asking him to introduce himself and present his case. The young man identified himself as “Konstantin, the Russian Orthodox Church, St. Petersburg Eparchy, a parishioner, a student at a state university’s history department”. In his interview, he said he protested events like that and justified the attack on the flash mob participant, saying the attacker might have been defending himself and the flash mob participants might be extremists.

Aggressive looking young men were gathering nearby, supposedly football fans of ultraright ideology. On the other side of the embankment another group of young people was approaching, with the faces of most of them covered with medical masks or scarves. When in the immediate vicinity of the protesters, they started chanting “We will hang and bury you” and raising their arms in a Nazi salute. After they were pushed out by the OMON riot police, they started chanting “Thrash cops are dumb morons!”, a well-known team fight song of FC Zenit St. Petersburg football fans referred to as Zenit Ultras.

After the end of the LGBT event, all its participants were seated in police vans and the vans provided by the organisers and taken to a metro station. The same young men at that time attacked two buses with foreign immigrant workers, shouting “Faggots!” They broke windows, beat up the people in the buses and caused a traffic jam. Police officers were idly standing by. After that Konstantin was interviewed by journalists: “It’s a shame such events have been authorized; those guys have been provoked; one can understand them – it was their reaction to the event. They shouldn’t have provoked them.”<sup>77</sup>

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<sup>77</sup> Based on PiterTV Internet television channel’s materials: [http://piter.tv/event/Policiya\\_pozvolila\\_pogrom;](http://piter.tv/event/Policiya_pozvolila_pogrom;)  
[http://piter.tv/event/Desyatki\\_geev\\_zhestoko\\_izb/](http://piter.tv/event/Desyatki_geev_zhestoko_izb/)



Charges of hooliganism were brought against the attacker on Boris Romanov and the attackers on the buses; however, according to PiterTV, the latter case might be reclassified.<sup>78</sup>

On 14 March 2012, the Tverskoy District Police Department in Moscow was approached by a man who said he decided to visit his friend from whom he had not heard for quite a long time and saw him dead in his apartment. A criminal case under Article 105 of the Russian Criminal Code (murder) was opened into the killing on Tverskaya-Yamskaya Street. It took field investigators less than a week to capture the alleged perpetrators, police officials at the Moscow City Police Chief Directorate pointed out. The suspects, two men, aged 22 and 25, were apprehended at 35/1 Bolshaya Yakimanka Street, where they were renting an apartment. It emerged after the arrest that the suspects had carried out dozens of attacks on gays.

They always used one and the same technique. According to the investigators, the criminals found their victims in the social media. “The criminals might have thought that members of sexual minorities would shy away from reporting the assault and robbery to the police,” *Gazeta.Ru* was told by Aleksey Bakhromeyev, a spokesman for Criminal Investigations Department at the Moscow City Police Chief Directorate.

The criminals made arrangements to meet at the prospective victim’s place, after the meeting they attacked their host and stole valuables. Assaults rarely resulted in murders. More often they tied up the victims and after that the cleared the apartment of valuable things – cell phones, tablet PCs, expensive equipment, cash and jewelry. Several cell phones seized from the suspects were recorded as evidence. “The arrested persons confessed to 30 robberies,” Aleksey Bakhromeyev said. In the last three robberies they strangled their victims.<sup>79</sup>

In March 2012, in an Omsk shopping mall, V., a 29-y-o MtF person, was spending time in a karaoke café, singing with her male friend. A group of young men (aged 18 to 23) at the table next to them started shouting offences at them and making a video. They were shown the middle finger in response, after which threats of physical violence followed. After V. and her friend left the café these same people (six persons in total) started harassing them. Before the first blow was made V. managed to call the police, after which they ran back to the café to wait out; however, the attackers explained they will not leave the mall unnoticed as they would wait for them on the ground floor. V. and her friend still ventured to go downstairs as they knew the police would arrive soon. They turned to the local security for help. The security guards were passively keeping the assaulters out, who were shouting “You are not a human being!”, “We’ll kill you now”, “You are criminals against the nation”. V. responded shouting phrases like “Leave us alone!”, “Live and let others live!” and “It’s not a crime to be yourself!” While standing near the security guards she made two more call to the police asking how soon they would arrive. It took 40 to 50 minutes for the police to arrive at the scene. The patrol car pulled over at the entrance to the café; however, the police stayed in the vehicle. Meanwhile, the attackers seeing the police arrive pulled the victims into the glass revolving door area where they started beating them, including with knuckle-dusters, aiming mostly at the head. V. shouted “Police!” when they was an opening to the street and only after that did the officers interfere and stopped the beating. The attackers left running; however, only two of them were caught. The person who was beating V. escaped. The victims were taken to a police station. V. repeatedly asked the police to call an ambulance and they reluctantly did it. When the ambulance arrived, the medics said V. had no serious injuries and left. After her statement was recorded, the police let everyone go home.

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<sup>78</sup> Based on PiterTV Internet television channel’s materials: [http://piter.tv/event/Nacistov\\_izbivshih\\_migra/](http://piter.tv/event/Nacistov_izbivshih_migra/)

<sup>79</sup> Based on *Gazeta.ru* materials: <http://www.gazeta.ru/social/2012/03/23/4102885.shtml>

The following day, V. visited a forensic centre, which recorded “multiple bruises”. She brought the examination report to the police station she was taken to from the assault scene. Two days later, V. received a letter with a decision not to institute criminal proceedings for lack of sufficient evidence and contacts of the magistrate’s court and prosecutor’s office to file subsequent complaints. Approximately one week after the assault, V. started feeling pain in the chest and decided to visit a local clinic to get assistance. After she was X-rayed (something not performed by the forensic centre), it was established that her 8<sup>th</sup> left rib was broken. V. decided to have the case reopened and turned to the prosecutor’s office. Ten days later, the prosecutor’s office informed her that the criminal case was reopened as fresh evidence emerged.

On 11 March 2012, at the inaugural exhibition of LGBT artists in St. Petersburg four young men pushed their way into the club, sprayed a gas into the face of the exhibition supervisor, Alisa Makarova, hit her, threw in a smoke flare and left running. No damage was done to paintings by LGBT artists. The guests left the room to allow for air change and then the event was carried on. Some were scared and hurried to get their clothes at the cloak room, others did not notice anything whatsoever as they were out in the street smoking when the incident happened. “A group of unsmiling young men in sports wear started pushing through into the club. Must have been athletes. When I opened the door to let in the quests to see this wonderful display, these athletes hit me on the head, kicked me off, sprayed pepper spray in my face and started behaving in a very ungentlemanly way. The athletes threw in a smoke grenade and hitting me once again at parting went jogging to their training session,” Alisa Makarova recounted.

An opening of a festival was planned for 1 June 2012 in Kemerovo. However, 10 days before the start of the festival, threats of physical violence started coming from a Novokuznetsk-based ultraright group. The organisers immediately filed a report with the Kemerovo police, citing the threats, after which a meeting with police and city administration officials took place. At the meetings, the governmental officials refused to take measures to protect the organisers and festival participants. The police and city administration officials exerted psychological pressure on the organisers, trying to talk them out of holding the event. As a result of the failure to act on the part of law-enforcement officers and in view of the continued threats of violence and death addressed to the organisers and prospective viewers the festival in Kemerovo was in effect disrupted, and one of the festival’s volunteers was attacked in the centre of the city. A criminal case was opened into the attack.

On 6 June 2012, on day two of the Side by Side LGBT International Film Festival in Novosibirsk, small groups of aggressive young men were constantly arriving at the area outside the venue, making homophobic remarks aimed at the guests. It was clear from their actions and conversations that they were readying for an attack. Police officers were on the spot in sufficient numbers; however, they did not respond to the organisers’ requests to keep the aggressive youth away from the area in front of the cinema. The organisers had to call in taxi cabs for the viewers and avoided attacks and harassment by luck.

## **8. Psychological violence and hate speech**

Yuliya Mamayeva, head of the Network’s regional branch and a lawyer, in November 2011, was insulted by her opponent in the trial in the corridor of the Central District Court. After the opponent realized he was losing the case he started shouting for all in the corridor to hear that Mamayeva was a “defender of faggots”, that the entire Internet was awash with reports that she “provides assistance to perverts” etc. Mamayeva had to leave the court building to avoid a scandal.

In early November 2011, classmates of an MtF person in Perm learned about her gender identity. “Some time later one of them took me aside and started threatening me. He said I would be driven into the woods and left there tied to a tree if I show up once again at classes,” the girl recounted. She had to leave the school after the incident and shift to distant learning courses.

In November 2011, Zhanna was taking a ride on the metro train. Two young men surmised from her looks that she was a lesbian, after which they started to discuss for everyone in the metro car to hear whether that was so. In the end, one of the young men commented, “If she is a lesbian, she should have her vagina cut out and marinated”. The shower of insults stopped only when another passenger came to the girl’s defence.

On 18 November 2011, in Vladivostok, K.’s co-worker asked him at their workplace: “Why do you walk like a girl?” He got no response and called K. a “faggot”.

On 8 December 2011, in Vladivostok, Sergey received the following message on a dating site from a friend who was unaware of Sergey’s sexual orientation: “I did not know you were gay: Don’t call me anymore. I don’t want to socialize with the likes of you!”

On 10 February 2012, in Perm, a lesbian girl was riding a bus to her work in the morning. She sat in the back of the bus. “At some stop a group of poorly educated young men, most likely affiliated with the People’s Council, sat near. They seemed to mistake me for a boy and started pushing me from my seat. I could not stand it and stood up to leave the bus, hearing insulting remarks about my sexual orientation behind my back,” the girl recounted.

On 24 February 2012, public hearings on the “draft law banning the promotion of homosexuality” were held at the St. Petersburg Legislative Assembly. In his speech at the hearings, Anatoly Artyukh, head of the regional branch of the People’s Council, made numerous insulting remarks on the grounds of SOGI, calling homosexual persons “perverts” and “faggots”.

Addressing the audience priest Igor Aksenov (Dean of the Prophet Elijah Cathedral in Vyborg) made the following statements: “Children thrown out into the street were sheltered by perverts – both boys and girls were used solely to satisfy sexual appetites”, “The collapse of culture and civilization of the Roman Empire happened because of the spiritual and moral degradation and the emergence of freedom of sexual relations”.

Hieromonch Dmitry Pershin (expert with the Committee for Family, Women and Children Affairs of the State Duma of the Russian Federation) said the following in his speech: “Harassment of this kind (referring to homosexuality) damages the children’s mental health”, “Let’s ask our opponents: Can’t you live without pestering the minors with your promotion of homosexuality and other perversions?”, “Such legislation is needed for our children not to become hostages to your non-traditional ways”, “The United States has undertaken the role of a guarantor of arbitrariness by sexual minorities in Russia”.

In his speech, priest Velasko Aleksandro Burgos (of Catholic Church) said, “Homosexuality is the violation of moral norms”, “homosexuals deprive the intercourse of normalcy”, “The state should not be tolerant of this group” (referring to the LGBT community in general).

Speech by sexologist Lev Shcheglov was interrupted at the very start by a shout from the audience “What is a pervert doing at the platform?” His arguments against the enactment of the bill immediately provoked laughter to hush up and ridicule the opponent. When he asked, “Can Greek mythology be seen as propaganda?”, there was a shout from the audience: “Read about Sodom and Gomorrah!”

During a presentation by psychiatrist Dmitry Isayev, Doctor of Medicine, who cited scientific data on homosexuality, shouts were heard from the audience: “Don’t give us citations from pedophiles”.

During her speech, Lyubov Kachesova (Chairwoman of Parents' Committee NP branch and Women of Russia chapter) said, "Parents in St. Petersburg will not tolerate this propaganda aimed at corrupting and crippling their children", "Children in St. Petersburg have the right not to be aware of such filthy sides of life", "It is useful for us to look at these people, who are quite aggressive in this audience, and listen to what they say", "They are skillful at manipulating and attracting attention", "They skillfully use psychological methods and techniques to influence the minds", "If our children somehow are left without the protection provided by this law, nobody knows how aggressive they will be towards our children".

A young man from the audience shouted during a speech by one of the proponents of LGBT rights: "They are not human beings!".

During the hearings, a man from the audience guessed that a boy sitting in front of him was opposing the bill and started threatening him. He said, "Pull up your pants; I will lead you out of the room now and teach you how to dress". Some people interfered and reported the incident to the moderator, who remarked that LGBT persons "are again provoking a scandal" and did nothing to discourage the threats voiced in the room. The victim decided to change his seat, without responding to the insult.

In addition to what happened during the hearings, the opponents of the draft law suffered from deliberate obstacles to access the information about the admission procedure. At the entrance to the building they all had their passport data taken, after which they were kept outside for a long time. "As a result, when we entered the room, all seats were long occupied, and the group of the law opponents had to stand for long four hours near leaning against the walls. They could have brought extra chairs!" noted a participant in the hearings. In addition, the law opponents were constantly getting insulting remarks from the bill supporters, encouraged by Milonov, who chaired the event. The bill proponents were taking photos and videos of their opponents and showing the middle finger.

On 15 March 2012, in Vladivostok, Vladislav was walking down the street, with two boys coming from the opposite direction. Vladislav heard they dialogue. One of them asked the other, pointing at the victim: "Do you think he is a faggot?" "Yes, I think so!". When they were passing Vladislav, they shouted for the entire street to hear, addressing the victim: "FAGGOT!!"

On 5 April 2012, in Syktyvkar, local LGBT activists were holding a "Rainbow Tree" event. They came to the city square in advance to warn those who were not aware the starting time was shifted because of the threats from nationalists. The activists saw several people, some of them wearing masks, on the square. "As soon as they saw us, they started shouting insults like "Faggots, get out from Russia!", "Get out from our city!" etc. When they started running towards us, we tried to take shelter in the TsUM (Central Universal Department Store) shopping mall's building; however, they started throwing eggs, tomatoes, snowballs and mud at us, taking photos and shouting. An egg hit me on the head," Artem Kalinin recounted. "We took shelter behind the door, while the attackers hurried to scatter around. However, a girl who repeatedly helped the nationalists came and started taking photos of us – how we were cleaning our clothes and talking. The police arrived and supposedly arrested two of the attackers. There were immediately released afterwards." The assault was carried out by national-patriots from Rubezh Severa [The Northern Frontier] group. After the incident at the "Rainbow Tree" event, Veronika Gorbacheva, a journalist and photographer, wrote a post in her LiveJournal blog about the attack carried out against us by Rubezh Severa. She likes this group and the post contained some critical remarks and insults aimed at LGBT activists.

In April 2012, the Russian LGBT Network's hotline received a call from Olga, who gave the following story: "I am a lesbian and dating a girl for six years now. For four years we had been dating in secret .... Her family is very traditionalist, of the old mould.

In March 2012, her parents told me, ‘Either you remain just a friend of Anna, or we will harm her.’ He father hinted at killing her. They gave us time until May and now the deadline has come. Anna’s father repeated his threat and he is General Director at Voen-telecom Voronezh; in the past he had links to mafia groups; so I am very much afraid he will follow up on his threat”.

In April 2012, ahead of the Side by Side LGBT International Film Festival in Moscow, unidentified persons circulated the following e-mail message: “The triumph of sodomy in Khamovniki. On Thursday, 26 April, a sodomites’ Side by Side Film Festival (<http://bok-o-bok.ru/news.asp?lan=2&tid=748>) will take place at Fitol (formerly, Otdykh) cinema theatre – within a stone’s-throw of the Saint Nicholas Cathedral in Khamovniki. It is a brazen response by anti-Orthodox forces to the standing in prayer that took place on 23 April outside Moscow’s Cathedral of Christ the Saviour. The blasphemous event will be held near an Orthodox Christian church, moreover, in the day of remembrance for Hieromartyr Artemon. Moreover, 26 April is the anniversary of the Chernobyl disaster. The sodomites are insulting not only all Orthodox Christians, but also all the people who suffered from the nuclear disaster (just a year after a similar huge tragedy happened in Japan).

All Orthodox Christians should come on 26 April at 8PM to 12 Frunzenskaya Embankment and prevent the “gay festival” outside the Saint Nicholas Cathedral from happening. It would be a worthy continuation of the cause of hieromartyr Artemon and St. Sisinius who went into a pagan temple of the goddess Artemis and destroyed pagan idols.”

On 24 April 2012, three days before the opening of Side by Side LGBT International Film Festival in Moscow, Yury Ageshchev posted threats and insults addressed at the festival and the LGBT community on his page in Vkontakte social media; later they made their way into the media (Interfax).

On 26 April 2012, Yury Ageshchev, Coordinator with the ROC Union of Orthodox Fraternities, made the following statement: “We will do our best to come and protest this immoral devildom in the centre of Moscow. Moral freaks (like “gays”) should be beaten up, not shown films. I think the authorities should stop the promotion of sodomy. We are Orthodox Christian people after all and will not keep silent”.

On 26 April 2012, the organisers informed the police and the Human Rights Ombudsman about the threat. The latter sent along a person from his staff to monitor the situation. Buses with riot police and patrol cars arrived four hours before the start of the festival.

Members of the Union of Orthodox Fraternities, totaling ten, lined up 30 minutes before the launch of the festival, and started chanting parts of prayers, waving crosses, singing the Lord’s prayer and shouting out “No to sodomy!”, “The next film show will be in hell!”, “Faggots!” etc.

The following day, there was a man protesting outside with a placard reading “Let them watch their European LGBT movies at their homes! We are against filth”, “The centuries-old Russia rejects sickly perversions (A Citizen of Russia)”.

On the third day, activists of the People’s Council came and staged a rally in front of the festival’s venue. They carried placards saying “You should work with your heads and hands, not your \*sses!!!”, “Non-traditional sexual Europe, hands off our children!”, “Perverts from the EU, stop imposing your ways on us!”. Flags of Russia and an imperial flag were flown.

On the fourth day one protester came, with a placard saying “Russia Needs Heroes, not Festivals of Homosexuals”.

On 25 April 2012, employees of the Moscow City Duma showed to the Russian media their attitudes towards gay, lesbian, bisexual and transsexual persons. A file named

“Round table on faggots” was circulated from the address knv@duma.mos.ru to the leading radio stations and news agencies.

The letter’s screenshot published by three independent outlets simultaneously showed that the Moscow City Duma’s email about the “Round table on faggots” was circulated to RIA Novosti, ITAR-TASS, Echo of Moscow radio station and even *Parlamentskaya Gazeta* newspaper. F5 Internet resource called the email circulation the “viral story of the day”.

On 4 May 2012, members of the Young Guard, the youth wing of the United Russia party, staged a picket outside the office of Coming Out on the Ligovsky Prospekt in St. Petersburg. “They carried, in particular, symbols well-known from protests by nationalists in Moscow – a crossed rooster in a circle, and an offensive placard hinting at the criminalization of the LGBT community in the Soviet Union and the Nazi Germany. It is noteworthy that during this protest, Coming Out was holding a seminar themed “Domestic Homophobia and the Forms it Takes”. Participants in the picket included Sergey Khristenko, a Young Guard activist, known for “anti-alcohol raids” and the campaign against “underground casinos”. Now Khristenko is concerned about the lives of homosexuals. “Today we have a demonstration against gays. Let’s protect traditional family values! We will not let the pink contagion spread across our city!” was Khristenko’s Twitter announcement of a picket.<sup>80</sup>

On 9 April 2012, Anatoly Artyukh, leader of the St. Petersburg Branch of the People’s Council, came to On-theatre, where on 13 April 2012, as part of the Open Your Eyes Festival a film by Zanele Muholi, discussing LGBT issues and granted by the Side by Side LGBT International Film, was to be shown. “He walked around the stage, demanding that all Open Your Eyes posters be removed and the administration deny the festival a venue. He introduced himself to a theater employee as an assistant to Duma Deputy, was very rude and shouted loudly. He scared the employee, who removed the posters and told the director about that,” Gulya Sultanova recounts. The organizers had to come to the stage accompanied by lawyers and explain that the film show was within the law and need not be banned. The event was a success, with the Human Rights Ombudsman in St. Petersburg Mr Shishlov among its guests.

On 11 May 2012, around 7PM near Sportivnaya metro station in St. Petersburg, two girls, Mariya and Alyona, partners in a same-sex (actual) partnership, met near a food store. As they met they kissed one another on the lips, as many people do in partnership relations, and entered the store. They were spotted by an athletic looking man some 35 years old, who started to loudly make guesses about their sexual orientation. After he assessed how the girls looked and decided his guess was correct, he followed them into the store. There he started shouting: “The Administration, drive the perverts out of the shop – we have children here!” He also demanded that the store staff call a manager, running from cashiers to a security guard, and made homophobic insulting remarks when passing the girls. None of store staff reacted to his demands and the girls did not talk back fearing the escalation of the conflict and physical violence. The man left some 10 to 15 minutes later, saying that he would never again shop in that store and had a pregnant wife waiting for him at home.

On 17 May 2012, a post was made in an Internet forum in Vladivostok reporting that homosexuality was removed from the list of diseases. Two comments were posted in response to this communication, saying that all gays were sick and must be killed. After the publication of such comments the post was removed.

Aleksey was employed at a restaurant in St. Petersburg, where on 30 May 2012, an incident happened. “I was insulted, after which derogatory remarks were publicly made

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<sup>80</sup> Based on Gay.ru materials: <http://gay.ru/news/rainbow/2012/05/05-23439.htm>

referring (rudely) to me as a member of the LGBT community. They told me I had to see a doctor and when tried to say something in my defence I was fired for ‘not been normal,’ Aleksey recounted.

On 1 June 2012, *Vorkuta Plus* newspaper carried the following line in the “Rumour of the Week” column: “I heard that the fountain in front of the Miners’ Culture Palace is a traditional meeting point for people of non-traditional orientation”. Members of the Vorkuta Municipal District Council’s Presidium invited the editor-in-chief to a disciplinary meeting. They said, in particular, that by such statements on its pages *Vorkuta Plus*, being a supplement to the official municipal publication, *Zapolyariye*, undermined the authority and status of the newspaper enjoying respects among the city residents. The charge was made by Yury Sopov, the Council’s Chairman, while the notorious Deputy Valery Surin called the published material “filth”. Olga Tumalanova, Assistant to the Vorkuta Prosecutor, said that the quotation can be classified as a chauvinistic remark, discriminating against people of a different sexual orientation. In addition, the meeting point of persons with non-traditional orientation should not be a subject of public discussion. It was charged also that, according to the Deputies, the published rumour harmed the honour and dignity of all Vorkuta residents strolling near the fountains. (For instance, the pensioners who come and sit there at the benches”). The shower of accusations was followed by a remark that all that was said was not an attempt at censorship but should be seen by the newspaper as a request to observe the Law on Media, as well as moral and ethical standards.

On 6 June 2012, in Novosibirsk, on the day before the last day of screening at the Side by Side LGBT International Film Festival, a group of Orthodox Christian activists and extreme right youth totaling 15 to 20 gathered outside the cinema, making open calls for violence against the viewers and organisers of the film show. The police called in by the organisers were silently following the developments, without taking any action to secure a safe atmosphere. On 6 June 2012, after the end of film show, Bulat left the cinema and sat into his car. The protesters threw eggs at the car and shouted various insults at Bulat.

On 8 June 2012, in St. Petersburg, a conversation started between Sophia and her co-workers about the law banning “the promotion of homosexuality”, same-sex marriages, human rights etc. Two of her co-workers started arguing that homosexuality is a deviation, not a norm, as homosexuals could not have children, whereas procreation was the “Nature’s key plan”, that it was a mental deviation and a disease and laws in Europe are enacted for gays by gays themselves, that all religions reject homosexuality and say it is a sin etc. They argued that children must not be brought up by gays and generally restrictions must put on their contacts with children, as homosexual behaviour might influence the children’s development. “Homosexuals will multiply in number if given rights and recognized as normal”, “The humankind will die out if there are only gays left” etc. The victim tried to explain to her colleagues that they were misled and religion can be interpreted in many ways, that many heterosexuals cannot or do not want to have children etc. The more she tried to assert her views, the more insulting remarks were addressed both to the LGBT community and herself as a lesbian.

# LEGISLATION ON THE SO-CALLED “PROMOTION OF HOMOSEXUALITY AMONG MINORS” IN THE RUSSIAN FEDERATION – AN OVERVIEW

*Valery Sozayev*

## Introduction

Currently the laws banning the so-called “promotion of homosexuality among minors” are enacted in eight regions of Russia, namely, the Ryazan Region, the Arkhangelsk Region, the Kostroma Region, the Novosibirsk Region, the Magadan Region, the Samara Region, the Krasnodar Territory and St. Petersburg. Adoption of similar legislation is debated in a number of other regions and at the federal level.

## 1. Regions where homophobic laws have been enacted

### *1.1. Ryazan Region*

The two homophobic laws in effect in the Ryazan Region since 2006 are:

Law of the Ryazan Region No. 41-O3 “On the Protection of Morality and Health of Children in the Ryazan Region” dated 3 April 2006. It says:

**Article 4. Prevention of public actions aimed at the promotion of homosexuality among minors**

Public actions aimed at the promotion of homosexuality (sodomy and lesbianism) are prohibited.

Amendments to the Regional Code of Administrative Offences. Currently they are as follows:<sup>81</sup>

**Article 3.10. Public actions aimed at the promotion of homosexuality (sodomy and lesbianism) among minors**

Public actions aimed at the promotion of homosexuality (sodomy and lesbianism) among minors are punishable by an administrative fine imposed on individuals in the sum of RUB 1,500 to RUB 2,000; on public officials – RUB 2,000 to RUB 4,000; on legal entities – RUB 10,000 to RUB 20,000.

A number of LGBT activists staged protests against the enactment of this law. In particular, on 30 March 2009, N. Bayev and I. Fedotova tried to stage one-person pickets outside Ryazan’s schools and the Ryazan Regional Children’s Library. They carried placards saying “Homosexuality is Normal” and “I Am Proud of My Homosexuality. Ask Me about It”. Both were arrested as a result and charged under this article.

After taking their case to all lower courts, in September 2009, these activists turned to the Constitutional Court of the Russian Federation to appeal the lower courts’ decisions. The Constitutional Court in its Decision No. 151-O-O dated 19 January 2010 sided with the lower courts. In particular, it said that “...the ban on such promotion – as an activity aimed at deliberate and uncontrolled dissemination of information, capable of damaging the health, moral and spiritual development, including by inducing them to form warped perceptions that traditional and non-traditional married relations are equally socially acceptable – among the persons who do not have the benefit of age to critically evaluate this kind of information independently, cannot be considered in itself a violation of the constitutional rights of citizens.”

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<sup>81</sup> Law of the Ryazan Region No. 182-O3 “On Administrative Offences” dated 4 December 2008 // Electronic Document Centre. The Code: URL: <http://docs.kodeks.ru/document/819077396>.



Of special note is that these same provisions from the Constitutional Court's decision were cited word for word in the legal opinion on the Arkhangelsk Region Draft Law signed by I.V. Khudyakova, Head of the Department for Support of Legislative Activity at the State Legal Directorate of the Arkhangelsk Region Assembly of Deputies' Office; in response of O.L. Smirnova, Children's Rights Ombudswoman under the Governor of the Arkhangelsk Region; and in the responses of Legal Department of the Arkhangelsk Region Governor's Administration, and A.N. Ratmanov, Head of the Legislation Department, the Arkhangelsk Regional Administration, which the Russian LGBT Network received in response to its written inquiries.

The same decision of the Constitutional Court of the Russian Federation says that "the said provisions of the law of the Russian Federation Region cannot be considered as disproportionately restricting the freedom of speech".

The plaintiffs are now seeking relief from the European Court of Human Rights.

## ***1.2. Arkhangelsk Region***

Two homophobic laws have been passed in the Arkhangelsk Region. On 28 September 2011, the Arkhangelsk Regional Assembly Deputies unanimously, in the second reading, adopted Regional Law "On Amendments and Supplement to Regional Law 'On Individual Measures to Protect Morality and Health of Children in the Arkhangelsk Region'. These amendments supplement the existing Law No. 113-9-03 "On Individual Measures to Protect Morality and Health of Children in the Arkhangelsk Region" dated 15 December 2009.<sup>82</sup>

### **Article 10. Measures to prevent public actions aimed at the promotion of homosexuality among minors**

Public actions aimed at the promotion of homosexuality among minors are prohibited.

Attempts were taken to challenge the law in court. In October 2011, Igor Kochetkov, Chairman of the Russian LGBT Network, filed a complaint with the Arkhangelsk Regional Court; however, Judge Nikolay Gudushin refused to accept it. His refusal says: "Given the fact that the applicant in effect questions the conformity of the challenged regional law, adopted on the matters jointly regulated by governmental bodies of the Russian Federation and governmental bodies of regions of the Russian Federation, to certain articles of the Constitution the Russian Federation guaranteeing the human and civil rights and freedoms in accordance with the generally accepted principles and norms of the international law, his complaint cannot be considered and settled in civil proceedings."

The second piece of legislation is the amendments to the Code of Administrative Offences of the Arkhangelsk Region setting the amounts of the fine (Arkhangelsk Regional Law No. 386-26-03 "On Supplements to Regional Law 'On Administrative Offences' dated 21 November 2011; adopted by the Arkhangelsk Region Assembly of Deputies (Resolution No. 1079 dated 16 November 2011)).<sup>83</sup>

### **Article 2.13. Public actions aimed at the promotion of homosexuality among minors**

1. Public actions aimed at the promotion of homosexuality among minors are punishable by an administrative fine imposed on individuals in the sum of RUB 1,500 to RUB 2,000; on public officials – RUB 2,000 to RUB 5,000; on legal entities – RUB 10,000 to RUB 20,000.
2. Actions covered by para. 1 of this article, repeated in the course of one year

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<sup>82</sup> Official publication of the law at *Rossiyskaya Gazeta* newspaper's website: <http://www.rg.ru/2012/05/22/arhangelsk-zakon113-9-reg-dok.html>.

<sup>83</sup> Legal advice service "The Law is Simple" // <http://zakonprost.ru/content/regional/3/1525918>.

are punishable by an administrative fine imposed on individuals in the sum of RUB 2,000 to RUB 5,000; on public officials – RUB 5,000 to RUB 10,000; on legal entities – RUB 20,000 to RUB 50,000.

A press release posted at the Regional Assembly’s website noted the active lobbying role of the Russian Orthodox Church (the Moscow Patriarchate) in enacting this bill.<sup>84</sup> “It is worth noting that ahead of the session, the bill’s initiator Aleksandr Dyatlov had a meeting with Bishop Daniil of Arkhangelsk and Kholmogory, during which full support and approval for the draft law were secured.”

Both laws were challenged in court as conflicting with the federal legislation. However, the Arkhangelsk Regional Court presided by judge A.A. Bragin dismissed the complaint. The court decision is being appealed at the Supreme Court of the Russian Federation.

### ***1.3. Kostroma Region***

The Kostroma Region became the third region in the Russian Federation to enact the laws banning the so-called “promotion of homosexuality among minors”. The situation in the Kostroma Region is remarkable in that the local Deputies in a single law prohibited the promotion of “homosexuality”, “pedophilia” and “religious sects” (Russian legislation still lacks the definitions of the concepts of “pedophilia” and “religious sect” as well). One law amending two regulations was adopted.

Law of the Kostroma Region No. 193-5-3KO “On Amendments to Law of the Kostroma Region ‘On Guarantees of the Rights of the Child in the Kostroma Region’ dated 15 February 2012 and the Code of Administrative Offences of the Kostroma Region.”<sup>85</sup> The bill was initiated by the Committee for Labour, Social Policy and Healthcare, consisting almost entirely of Deputies from the United Russia party.

Law “On Guarantees of the Rights of the Child in the Kostroma Region” was amended as follows:

**Article 19.3. Prevention of the promotion of homosexuality (sodomy and lesbianism), bisexualism, transgenderism among minors, and pedophilia**

The promotion of homosexuality (sodomy and lesbianism), bisexualism, transgenderism among minors, and pedophilia is prohibited.

**Article 19.4. Prevention of the promotion of religious sects among minors**

The promotion of religious sects among minors is prohibited.

The Code of Administrative Offences of the Kostroma Region was amended as follows:

**Article 20.1. The promotion of homosexuality (sodomy and lesbianism), bisexualism, transgenderism among minors**

The promotion of homosexuality (sodomy and lesbianism), bisexualism, transgenderism among minors is punishable by an administrative fine imposed on individuals in the sum of RUB 5,000; on public officials – RUB 50,000; on legal entities – RUB 100,000.

**Article 20.2. The promotion of pedophilia**

The promotion of pedophilia is punishable by an administrative fine imposed on individuals in the sum of RUB 5,000; on public officials – RUB 50,000; on legal entities – RUB 100,000.

**Article 20.3. The promotion of religious sects among minors**

The promotion of religious sects among minors – is punishable by an administrative fine imposed on individuals in the sum of RUB 5,000; on public officials – RUB 50,000; on legal entities – RUB 100,000.

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<sup>84</sup> Report of 17 November 2011 // Official website of the Arkhangelsk Regional Assembly of Deputies. URL: [http://www.aosd.ru/?dir=news&act=show\\_s\\_new&id\\_new=1426](http://www.aosd.ru/?dir=news&act=show_s_new&id_new=1426).

<sup>85</sup> A Zip archive with the texts of the law and resolution of the Regional Duma available at the Internet portal of the Kostroma Region’s governmental bodies // <http://www.adm44.ru/files/info/58/193-5-ZKO.ZIP>

On 19 December 2011, the Russian LGBT Network submitted letters and legal opinions concluding that this legislation was enacted in violation of the law to A.I. Bychkov, Chairman of the Kostroma Regional Duma, and T.V. Telezhkina, Chairwoman of the Committee for Labour, Social Policy and Healthcare. Copies were sent to L.N. Babenkov, Human Rights Ombudsman in the Kostroma Region, and N.V. Shadracheva, Children's Rights Ombudswoman under the Governor of the Kostroma Region. In their responses the said officials continue to solely cite from the text of the RF Constitutional Court's decision on the Ryazan Region.

On 6 July 2012, the Kostroma Regional Court composed of presiding judge S.V. Andreyev and prosecutor Ye.Yu. Khryashcheva, with secretary O.M. Politova, dismissed an application by M.V. Bakumova requesting the repeal of Law of the Kostroma Region No. 193-5-3KO "On Amendments to Law of the Kostroma Region "On Guarantees of the Rights of the Child in the Kostroma Region" and the Code of Administrative Offences of the Kostroma Region dated 15 February 2012".

The court concluded that the "lawmakers in the Kostroma Region have acted within the authority granted by the existing legislation" and noted that the "concepts used in the Law, including 'promotion', 'bisexualism', 'transgenderism' are quite well known and do not lead to divergent interpretations." However, during the court sitting, the Children's Rights Ombudsman in the Kostroma Region failed to define or explain the term "transgender". And yet, the Court cites the fact that the "concepts 'bisexuals' and 'transgender people' are used in, among other instruments, in Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe".

It is notable that in its decision the court notes that the norms "do not contain provisions preventing minors from developing equally tolerant attitudes towards all people irrespective of their sexual orientation or gender identity, since such attitudes can be shaped without the promotion of certain phenomena as well."

The court also believes that the "Law does not provide for a ban or punishment for ordinary reference to homosexuality or discussion of a social status of sexual minorities, as confirmed, among other things, by the law-enforcement practice."

The court decision was appealed to the Supreme Court of the Russian Federation.

#### ***1.4. St. Petersburg***

In St. Petersburg, debates on the law banning the so-called "promotion of homosexuality among minors" were initiated by Deputies of the United Russia party faction. In particular, Vitaly Milonov is its key lobbyist and he does not conceal his commitment to the ROC Moscow Patriarchate.

Despite an active public campaign launched by the Russian LGBT Network, LGBT group Coming Out, and human rights Side by Side LGBT Film Festival, as well as a wide international response and protests by the European Union, the Council of Europe, the United States, and numerous international human rights organisations on 29 February 2012, the odious law was finally adopted by Deputies of the Legislative Assembly of St. Petersburg. The bill was passed with 26 votes in favour (all Deputies from the political parties United Russia, CPRF, and A Just Russia), one abstention (Yabloko), and five votes against it (Yabloko). The vote was held using name lists. The law was signed into force by Governor Georgy Poltavchenko in early March 2012.<sup>86</sup> It is noteworthy that

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<sup>86</sup> On 11 March 2012, the Governor signed Law of St. Petersburg "On Amendments to Law of St. Petersburg "On Administrative Offences in St. Petersburg" // Official Internet portal of the St. Petersburg Administration. URL: <http://gov.spb.ru/news8592.html>

“the promotion of homosexuality among minors” and “the promotion of pedophilia” were covered by a single law, as was the case in the Kostroma Region.

The adopted articles read as follows:<sup>87</sup>

**Article 7.1. Public actions aimed at the promotion of sodomy, lesbianism, bisexualism, transgenderism among minors**

(additionally included from 30 March 2012 by Law of St. Petersburg No. 108-18 dated 7 March 2012)

Public actions aimed at the promotion of sodomy, lesbianism, bisexualism, transgenderism among minors are punishable by an administrative fine imposed on individuals in the sum of RUB 5,000; on public officials – RUB 50,000; on legal entities – RUB 250,000 to RUB 500,000.

Note. For the purposes of this article public actions aimed at the promotion of sodomy, lesbianism, bisexualism, transgenderism among minors should be understood to mean the activities aimed at targeted and uncontrolled dissemination of generally accessible information capable of damaging the health, moral and spiritual development of minors, including by inducing them to form warped perceptions that traditional and non-traditional married relations are equally socially acceptable.

**Article 7.2. Public actions aimed at the promotion of pedophilia**

(additionally included from 30 March 2012 by Law of St. Petersburg No. 108-18 dated 7 March 2012)

Public actions aimed at the promotion of pedophilia are punishable by an administrative fine imposed on individuals in the sum of RUB 5,000; on public officials – RUB 50,000; on legal entities – RUB 500,000 to RUB 1,000,000.

Note. For the purposes of this article public actions aimed at the promotion of pedophilia should be understood to mean the activities aimed at targeted and uncontrolled dissemination of generally accessible information to induce the public to form warped perceptions that sexual relations between adults and minors are socially acceptable.

LGBT group Coming Out challenged the above legislation at the City Court, arguing that it was in conflict with the federal legislation. However, the City Court, presided by Judge T.A. Gunko, found that the enacted law was legitimate and in conformity with the federal legislation. The full text of the municipal court’s decision, obtained on 31 March 2012, shows that the judge virtually ignored the case presented by the plaintiff. The group will appeal this decision to the Supreme Court of the Russian Federation.<sup>88</sup>

### ***1.5. Novosibirsk Region***

On 7 June 2012, a regular session of the Novosibirsk Region Legislative Assembly passed Law of the Novosibirsk Region “On Amendments to Certain Laws of the Novosibirsk Region”, covering the so-called “promotion of homosexuality among minors.”<sup>89</sup>

The amendments to Law of the Novosibirsk Region No. 111-O3 “On the Protection of the Rights of Children in the Novosibirsk Region” dated 12 May 2003 are as follows:

*Article 21.1.* The Government of the Novosibirsk Region and local self-governing bodies shall take measures to protect children from the information, promotion, including the promotion of homosexuality, and campaigning damaging their health, and moral and spiritual development.

Law of the Novosibirsk Region No. 99-O3 “On Administrative Offences in the Novosibirsk Region” dated 14 February 2003 was amended to include the following article:

**Article 4.11 The promotion of homosexuality among minors**

The promotion of homosexuality among minors

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<sup>87</sup> Law of St. Petersburg “On Administrative Offences in St. Petersburg” // Official website of the St. Petersburg Legislative Assembly. URL: <http://www.assembly.spb.ru/ndoc/doc/0/891831166>

<sup>88</sup> City Court: faulty homophobic amendment found in conformity with the federal legislation // Official website of LGBT group Coming Out. URL: [http://www.comingoutspb.ru/ru/news/gomofobnaya\\_popravka](http://www.comingoutspb.ru/ru/news/gomofobnaya_popravka)

<sup>89</sup> Summary of the 19<sup>th</sup> Session of the Novosibirsk Region Legislative Assembly // Official website of the Novosibirsk Region Legislative Assembly. URL: <http://www.znsno.ru/879>.

is punishable by an administrative fine imposed on individuals in the sum of RUB 1,000 to RUB 3,000; on public officials – RUB 3,000 to RUB 5,000; on legal entities – RUB 10,000 to RUB 50,000.

In Novosibirsk, as well as in other regions, the homophobic legislation was lobbied by the ROC Moscow Patriarchate.<sup>90</sup>

### ***1.6. Magadan Region***

Law banning “gay promotion” in the Magadan Region was enacted in early June 2012 and came into force later at the end of the same month. Discussions of the bill were launched as early as April; however they got almost no coverage in the mass media, which resulted in the LGBT community learning about its enactment only on 11 July, when this was reported by Kolyma-Inform Information Agency.<sup>91</sup>

It is worth noting that, unlike in other regions where by similar draft laws the provisions covering “the promotion of sodomy” are adopted “as a package” with the provisions on “the promotion of pedophilia”, the Magadan law does not provide for punishment for the latter offence.

Law No. 1507-O3 “On Amendments to Certain Laws of the Magadan Region with regard to the Protection of Minors from the Factors Having a Negative Impact on their Physical, Intellectual, Mental, Spiritual and Moral Development” amended Laws of the Magadan Region No. 10-O3 “On the Protection of Public Morality” dated 1 July 1996 and No. 583-O3 “On Administrative Offences in the Magadan Region” dated 15 March 2005.

Amendment to Law “On the Protection of Public Morality”:

**Article 8<sup>1</sup>. Restrictions related to public actions aimed at popularising sodomy, lesbianism, bisexualism among minors**

Public actions aimed at popularising sodomy, lesbianism, bisexualism among minors are prohibited.

The law also introduced the definition of “bisexualism”:

**Article 2. Key concepts used for the purposes of this Law**

<...> 10. Bisexualism is sexual attraction toward persons of both same and opposite sex.

Amendment to Law “On Administrative Offences in the Magadan Region”:

**Article 3.16. Public actions aimed at popularising sodomy, lesbianism, bisexualism among minors**

Public actions aimed at popularising sodomy, lesbianism, bisexualism among minors, except for those punishable by administrative sanctions provided for in the Code of Administrative Offences of the Russian Federation, are punishable by an administrative fine imposed on individuals in the sum of RUB 5,000; on public officials – RUB 50,000; on legal entities – RUB 250,000 to RUB 500,000.

Note. For the purposes of this article public actions aimed at popularising sodomy, lesbianism, bisexualism among minors are understood to mean the activities capable of damaging the moral and spiritual development of minors, induce them to form warped perceptions that traditional and non-traditional married relations are equally socially acceptable, except for the activities aimed at the dissemination of information which is prohibited or restricted under the federal laws.

### ***1.7. Samara Region***

On 26 June 2012, the Parliament of the Samara Regional Duma approved in two readings amendments to Regional Law “On Administrative Offences” prohibiting the so-

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<sup>90</sup> ROC lobbies for a law banning the promotion of homosexuality in Novosibirsk Region // Sib.fm Internet media URL: <http://sib.fm/news/2012/01/17/rpc-podderzhala-zakon-o-zaprete-propagandy-gomoseksualizma>

<sup>91</sup> Minors in the Magadan Region to be protected against the promotion of homosexuality // KOLYMA-INFORM IA URL: <http://www.kolyma.ru/index.php?newsid=26323>.

called “promotion of homosexuality and pedophilia”, reported VolgaNews.rf news portal.<sup>92</sup> The draft law, proposed by Deputy Dmitry Sivirkin, sets fines of up to RUB 1 mln for the “promotion of homosexuality” among minors or calls to have sexual relations with them.

Human Rights Ombudsman in Samara Region Irina Skupova noted during the debates on the law that the term “promotion” as used in the document is vague and the application of similar legislation in other regions has led to directly opposite results. She also noted that the debated instrument lumps together various offences, including those that are criminally punishable. “This law provides a loophole for getting milder punishments. In addition, its norms violate international conventions,” Skupova said.

Deputy Yury Shevtsov responded that all the conflicts she mentioned were resolved at the stage of further improvement of the law. As a result, the document was unanimously approved by the Deputies in two readings.

Law of the Samara Region No. 75-ГД “On Amendments to Law of Samara Region ‘On Administrative Offences in the Samara Region’ dated 10 July 2012”:<sup>93</sup>

*Article 2.28.* Public actions aimed at the promotion of sodomy, lesbianism; bisexuality, transgenderism among minors

are punishable by an administrative fine imposed on individuals in the sum of RUB 5,000; on public officials – RUB 50,000; on legal entities – RUB 250,000 to RUB 500,000.

Note:

1. For the purposes of this article public actions aimed at the promotion of sodomy, lesbianism, bisexuality, transgenderism among minors should be understood to mean the activities aimed at targeted and uncontrolled dissemination of generally accessible information capable of damaging the health, moral and spiritual development of minors, including by inducing them to form warped perceptions that traditional and non-traditional married relations are equally socially acceptable.

2. Provisions of this article shall not apply to:

1) actions containing elements that are criminally punishable;  
2) actions punishable by administrative sanctions provided for in the Code of Administrative Offences of the Russian Federation.

*Article 2.29.* Public actions aimed at the promotion of pedophilia are punishable by an administrative fine imposed on individuals in the sum of RUB 5,000; on public officials – RUB 50,000; on legal entities – RUB 500,000 to RUB 1,000,000.

Note:

1. For the purposes of this article public actions aimed at the promotion of pedophilia should be understood to mean the activities aimed at targeted and uncontrolled dissemination of generally accessible information to induce the public to form warped perceptions that sexual relations between adults and minors are socially acceptable.

2. Provisions of this article shall not apply to:

1) actions containing elements that are criminally punishable;  
2) actions punishable by administrative sanctions provided for in the Code of Administrative Offences of the Russian Federation.

The law will be appealed to court on the grounds that it is in conflict with the federal legislation.

### ***1.8. Krasnodar Territory***

On 20 June 2012, the Krasnodar Territory MPs unanimously passed in the first reading Draft Law “On Amendments to Certain Regulations of the Krasnodar Territory with

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<sup>92</sup> Regional Duma passed the law banning the promotion of homosexuality // VolgaNews.rf news portal. URL: <http://vninform.ru/185961/article/gubernskaya-duma-prinyala-zakon-o-zaprete-propagandy-gomoseksualizma.html>.

<sup>93</sup> Law of the Samara Region No. 75-ГД “On Amendments to Law of the Samara Region “On Administrative Offences in the Samara Region” dated 10 July 2012 // Garant legal information resource URL: <http://www.garant.ru/hotlaw/samara/410075>.

regard to Improving the Protection of Health and Spiritual and Moral Development of Children”. Governor of the Krasnodar Territory, Aleksandr Tkachev voiced his support for the bill. On 25 July 2012, it was reported that the Governor of the Krasnodar Territory signed and published the law in spite of the fact that it was adopted in violation of procedure.

On 20 June 2012, the Krasnodar Deputies passed the bill in the first reading, which was reported by many media and personally by the bill initiator. The relevant information was posted on the official website of the Territory’s Governor and in his Twitter. According to the federal legislation and the Charter of the Krasnodar Territory, a draft law of the RF region shall be considered by a legislative body in at least in two readings.

On 14 July 2012, the Krasnodar law banning the so-called “promotion of homosexuality” was officially published as signed by Governor Tkachev and entered into force. It follows from the published document that Tkachev signed it on 3 July 2012. In fact, the second reading could in no way take place earlier than 11 July, at the 64<sup>th</sup> session of the Territorial Legislative Assembly. Meanwhile, the Krasnodar Deputies had no extraordinary sessions between 20 June 2012 and 11 July. At least no information to this effect can be found on the official website the Territorial Legislative Assembly. No mentions are to be found either of preparations of the unfortunate law for the second reading. At the same time, the website features a copy of Resolution of the Territorial Legislative Assembly dated 20 June 2012 to adopt the bill and submit it to the Governor for signing and publication.

Moreover, the bill was not subjected to an anti-corruption examination prescribed by the federal law. The Law’s registration card on the Territorial Legislative Assembly’s website says that “reports of the results of an independent anti-corruption examination can be submitted from 20 June 2012 to 25 June 2012,” which means the law was passed first and then its examinations started.

Law of the Krasnodar Territory No. 2535-K3 “On Amendments to Certain Regulations of the Krasnodar Territory to Improve the Protection of Health and Spiritual and Moral Development of Children” dated 3 July 2012.<sup>94</sup>

Law of the Krasnodar Territory No. 827-K3 “On the Main Guarantees of the Rights of the Child in the Krasnodar Territory” dated 29 December 2004 was amended to include:

*Article 3. Part 5.* To create conditions for the development of spiritual and moral personal qualities, maintenance and development of traditional Russian spirituality, moral education of children, social support and spiritual and moral consolidation of the family institution, and improvement of the educational capabilities of the family the executive governmental bodies of the Krasnodar Territory develop, approve and implement targeted territorial and departmental programmes providing for measures aimed at addressing the issues of spiritual and moral education and development of children, and consolidation of family traditions in the Krasnodar Territory.

**Article 9. Protection of children against information, promotion and campaigning damaging to their health, moral and spiritual development**

1. To support the health and provide for physical, intellectual, moral, and mental safety of children the laws of the Krasnodar Territory set the standards for dissemination of printed, audio and video materials, and other products not recommended for use by children, with account for provisions of the federal legislation.

2. Activities aimed at targeted dissemination of generally accessible information, capable of damaging the health, moral and spiritual development of minors, including by inducing them to form warped perceptions about family and married relations and values are prohibited.

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<sup>94</sup> The text of the law is available as a pdf file on the official website of the Krasnodar Territory Administration at URL: <http://krasnodar.ru/upload/iblock/66d/61091-060712.pdf>.

Law of the Krasnodar Territory No. 608-K3 “On Administrative Offences” dated 23 July 2003 was amended to include:

**Article 2.9.1. Actions aimed at the dissemination of information damaging the health, moral and spiritual development of minors**

1. Actions aimed at targeted dissemination of generally accessible information, capable of damaging the health, moral and spiritual development of minors, including by inducing them to form warped perceptions that non-traditional sexual (homosexual) relations are socially acceptable, are punishable by an administrative fine imposed on individuals in the sum of RUB 5,000; on public officials – RUB 50,000; on legal entities – RUB 250,000 to RUB 500,000.

2. Actions aimed at targeted dissemination of generally accessible information and ideas that sexual relations between adults and minors (pedophilia) are possible and socially acceptable are punishable by an administrative fine imposed on individuals in the sum of RUB 5,000; on public officials – RUB 50,000; on legal entities – RUB 500,000 to RUB 1,000,000.

## **2. Regions where homophobic legislation is contemplated**

Laws banning the so-called “promotion of homosexuality among minors” are debated in other regions of the Russian Federation as well. The very way the issue is raised also varies from region to region: on the one hand, a number of regions refuse to debate such initiatives, while, on the other hand, a significant number of regions continue to insist on enacting such legislation. Sometimes an amazing situation is observed: the regional prosecutor’s office and legal departments of legislative bodies can speak against the adoption of such legislation; however, local Deputies ignore that (as was the case, for example, in St. Petersburg and Samara).

Below is a brief summary of the situation around the debates on homophobic legislation in various regions of Russia.

### ***2.1. Leningrad Region***

On 14 March 2012, Aleksandr Khudilainen, Speaker of the Leningrad Region Parliament, made a statement that the problem of the so-called “promotion of homosexuality and pedophilia among minors” is not on the list of burning issues faced by his region; however, if need be the authorities are ready to back their St. Petersburg counterparts, who passed the relevant law. “It is not on top 10 list of the most pressing problems. Still, if need be, we will support our neighbour. However, residents of the Leningrad Region are not concerned about this problem,” A.Khudilainen told reporters after meeting the Speaker of the Legislative Assembly of St. Petersburg Vyacheslav Makarov. He also added that the region had many other problems Deputies should pay attention to.<sup>95</sup>

### ***2.2. Kirov Region***

On 26 March 2012, junior counselor of justice Anton Volkov, a prosecutor at Kirovo-Chepetsk, circulated a communication to the municipal and district authorities, according to which “a sad trend is observed in the city of growing number teenagers drinking or even abusing alcohol. Materials become easily available that are not recommended for children and teenagers and the promotion of non-traditional lifestyles is widespread,” chepetsk.ru reports. To combat juvenile crime the prosecutor proposes a ban on “the promotion of homosexuality among minors”. Regional Law No. 200-30 “On Administrative Responsibility in the Kirov Region” dated 4 December 2007 is supposed to be

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<sup>95</sup> Speaker: The promotion of homosexuality is not on the list of problems faced by the Leningrad Region; still the region is ready to support St. Petersburg, if need be // Interfax-Religion. URL: <http://www.interfax-religion.ru/ykr/?act=news&div=44578>.



amended.<sup>96</sup> In April 2012, the Kirovo-Chepetsk City Duma came forward with an initiative to introduce amendments to the administrative legislation of the Kirov Region related to the promotion of pedophilia, homosexuality and religious sects. “Materials become quite easily available that are not recommended for use by children; the promotion of homosexuality, pedophilia, religious sects is widespread. The bill aims to protect the younger generation from these factors and determine the punishments for persons violating the relevant standards,” reports Rosbalt citing the explanatory memo.<sup>97</sup>

### **2.3. Primorye Territory**

On 10 April 2012, the Primorye Legislative Assembly’s Committee for Regional Policy and Rule of Law was scheduled to consider a legislative initiative by Deputy Igor Chemeris (United Russia party). The wording of the bill sponsored by Chemeris was no different from that contained in the relevant St. Petersburg law. However, the Primorye Territory Prosecutor’s Office and the Legal Department of the regional parliament challenged Chemeris’ legislative initiative, pointing out that they already had Federal Law No. 252-ФЗ “On the Protection of Children from Information Damaging their Health and Development” dated 21 July 2011 and the adoption of a new law would mean the federation region, i.e. the Primorye Territory, would go beyond its authority. As a result, Chemeris had to urgently withdraw his legislative initiative.<sup>98</sup> He later said, however, that he planned to propose a new version of the bill in September.<sup>99</sup>

### **2.4. Komi Republic**

On 27 April 2012, answering to questions by *Krasnoye Znamya* newspaper, Vyacheslav Gaizer, Head of the Komi Republic, said there were no plans to enact legislation banning “the promotion” in the republic. [Q: *Does the Government of the Komi Republic have plans to follow suit of St. Petersburg and the Arkhangelsk Region and initiate legislation banning the promotion of homosexuality?* A: *No, it doesn't.*]<sup>100</sup>

### **2.5. Sverdlovsk Region**

On 10 April 2012, various Orthodox Christian groups submitted a letter to Chairwoman of the Sverdlovsk Region Legislative Assembly L. V. Babushkina and Deputies of the Sverdlovsk Region Legislative Assembly, asking to enact legislation banning the so-called “promotion of homosexuality among minors and pedophilia”. The letter was signed by representatives of the following organisations: the Yekaterinburg Municipal Parents' Committee, the Yekaterinburg Chapter of the World Russian People’s Council, Russian Businessman Foundation NO, Preobrazheniye MO, Sober Russia public charity fund, the Urals Parents' Committee public charity fund, and Iset Branch of the Orenburg

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<sup>96</sup> Kirov to introduce a ban on the “promotion of homosexuality”, followed by Samara and Novosibirsk // Gay.ru. URL: <http://gay.ru/news/rainbow/2012/03/27-23140.htm>

<sup>97</sup> Law banning the promotion of homosexuality being drafted in the Kirov Region // Rosbalt. URL: <http://www.rosbalt.ru/federal/2012/04/25/974332.html>

<sup>98</sup> Igor Chemeris late with banning the promotion of homosexuality in Primorye // Primorye 24 Information Agency. URL: <http://www.primorye24.ru/news/exclusive/15169-igor-chemeris-s-zapretom-propagandy-gomoseksualizma-v-primore-opozdal.html>

<sup>99</sup> The author of a homophobic bill harassed in the social media // PrimaMedia.ru URL: <http://primamedia.ru/news/politics/13.04.2012/200888/avtor-gomofobnogo-zakonoproekta-podvergsya-presledovaniyu-v-sotsialnih-setyah.html>

<sup>100</sup> First ten answers of Vyacheslav Gaizer // *Krasnoye Znamya* newspaper’s website. URL: <http://kommikz.ru/news/politics/?id=6263>

Cossack Army of the Union of Russian Cossacks.<sup>101</sup> On 18 April 2012, Children's Rights Ombudsman in the Sverdlovsk Region Igor Morokov addressed the Deputies of the Legislative Assembly speaking in support of this legislative initiative.<sup>102</sup> On 23 April 2012, Human Rights Ombudsman in the Sverdlovsk Region Tatiana Merzlyakova, in her comment on the initiative said she did not feel any urgent need to have this regional law passed. "The promotion of homosexuality in the Sverdlovsk Region is not the most pressing problem Deputies of the Legislative Assembly must address," Merzlyakova said.<sup>103</sup> According to the Urals Institute of Regional Legislation (UIRL), the Sverdlovsk Region may not adopt a law banning the promotion of homosexuality and pedophilia. The Institute presented its opinion in response to an inquiry by Legislative Assembly's Deputy Yevgeny Artyukh. UIRL argues that, according to the Constitution, the Federation's region can introduce administrative responsibility, but only for offenses identified by regions themselves. UIRL reminds that a law "protecting children from information damaging their health and development" was already passed in 2011 and will come in effect from 1 September 2012. To implement this law Chapter 6 of the Code of Administrative Offences of the Russian Federation, providing for administrative responsibility for violating the above law, was supplemented. "In other words, we can classify 'the promotion of homosexuality and pedophilia' as the information damaging the health and development of children. Of course, the court will have the final say when such cases are handled; however it does not make sense to have a separate law banning the 'promotion,'" Artyukh said.<sup>104</sup>

## ***2.6. Kaliningrad Region***

On 19 April 2012, the "World" Church at Kaliningrad hosted a meeting between Co-Chairmen of the Advisory Council of Protestant Religious Associations in the Kaliningrad Region, leaders of the centralized religious organisations of the region: Union of Evangelical Baptist Christians of the Kaliningrad Region, Russian Church Christians of Evangelical Faith of the Kaliningrad Region, and the Union of Christians Association of Christian Churches of the Kaliningrad Eparchy. A statement of the Advisory Council of Protestant Religious Associations was prepared during the meeting, addressed to the Governor of the Kaliningrad Region and presenting an initiative of a law banning the so-called "promotion of homosexuality and pedophilia" in the region.<sup>105</sup> Amendments to the Regional Code of Administrative Offences, setting out fines for these types of promotion and initiated by Deputy Oleg Bolychev (United Russia party), were scheduled for consideration by the Regional Duma's Committee on Security on Tuesday, 22 May. However, the author of the amendments did not show up for the meeting; therefore, their consideration was postponed.<sup>106</sup>

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<sup>101</sup> The Urals public speaks out against the promotion of homosexuality and pedophilia // Russian Line. URL: <http://rusk.ru/st.php?idar=54221>

<sup>102</sup> The Sverdlovsk Children's Rights Ombudsman backs the ban on the promotion of homosexuality // Nakanune.ru. URL: <http://www.nakanune.ru/news/2012/4/18/22271097/>

<sup>103</sup> The Sverdlovsk Ombudsman: We do need legislation banning the promotion of homosexuality // Politsovet.ru. URL: <http://politsovet.ru/37857-sverdlovskiy-ombudsmen-zakon-o-propagande-gomoseksualizma-ne-nuzhen.html>

<sup>104</sup> The Sverdlovsk Region will not adopt a law banning the promotion of homosexuality – got scared of the European Court // Nakanune.ru. URL: <http://www.nakanune.ru/news/2012/5/22/22274635/>

<sup>105</sup> News // Website of "Faith and Life" Christian Missionary Centre. URL: <http://www.rohmc.ru/news/58.html>

<sup>106</sup> A draft law banning the promotion of homosexuality presented in Kaliningrad // Regions.ru. URL: <http://regions.ru/news/2409125/>

## **2.7. Rostov Region**

In May 2012, Bishop Eduard Deremov, Plenipotentiary Representative of the Head Bishop of the Russian United Union of Christians of Evangelical Faith (ROSKhVE) in the Rostov Region, put forward an initiative of a law banning the promotion of homosexuality and pedophilia among minors. The initiative was backed by the Association of the Heads of Protestant Churches, comprising eight religious associations in the Rostov Region. In addition, around 3.000 signatures of residents of Rostov and the Rostov Region were collected in support of the law. An appeal was submitted to Governor of the Rostov Region, V.Yu. Golubev, and Chairman of the Rostov Region Legislative Assembly, V.Ye. Deryabkin. As a result, the Regional Administration decided to initiate the introduction of appropriate amendments into Laws of the Rostov Region No. 346-3C “On Measures to Prevent Damage to the Health of Children, their Physical, Intellectual, Mental, Spiritual and Moral Development” dated 16 December 2009 and No. 273-3C “On Administrative Offences” dated 25 October 2002.<sup>107</sup>

## **2.8. Tyumen Region**

A campaign to collect signatures in support of regional law “On the Ban of the Promotion of Homosexuality among Minors” has been completed in Tyumen. According to Bishop Sergey Lavrenov, Plenipotentiary Representative of the Head Bishop of ROSKhVE for the Southern Tyumen Region and Senior Pastor of the “Light to the World” Tyumen Christian Church, the church should raise its voice in protection of moral values: “We initiated collection of signatures in support of Law “On the Ban of the Promotion of Homosexuality among Minors” and on 24 May, handed in the lists with collected signatures to our Regional Duma.” The activists collected hundreds of signatures in total, with various religious groups based in the Tyumen Region, including Muslim and Jewish ones, taking part in the effort.<sup>108</sup>

## **2.9. Voronezh Region**

In May 2012, the Interconfessional Council at the Voronezh Regional Duma endorsed the initiative by Voronezh Christian Protestants to suggest that the regional parliament draft a regional law banning the so-called “promotion of homosexuality among minors”. An appeal addressed to the Council’s Chairman, Regional Duma Deputy Igor Surovtsev, says that the Pastors’ Council of the Christian Protestant Churches of the Voronezh Region is concerned by the erosion of traditional family and social values and urges to classify the promotion of ideas undermining them as anti-Russian and prohibit them as such at the legislative level.<sup>109</sup> The process was initiated by Bishop Andrey Kozlov, Plenipotentiary Representative of the Head Bishop of ROSKhVE in the Voronezh Region and Senior Pastor of the “Exodus” Church (Voronezh).<sup>110</sup>

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<sup>107</sup> Knock and it shall be open. Rostov Region to adopt a law banning the promotion of homosexuality and pedophilia among minors // Website of the “Exodus” Church. URL: <http://ucxod.ru/news/stuchite-i-otvorjat-740.html>

<sup>108</sup> Christians, Muslims and Jews collect signatures in Tyumen in support of the law banning the promotion of homosexuality // ROSKhVE’s website. URL: <http://cef.ru/news/roshve/?id=5305>

<sup>109</sup> Voronezh Protestants ask for the development of a regional law banning the promotion of homosexuality // Official website of the Voronezh Regional Duma. URL: [http://www.vrnoblduma.ru/no\\_cache/duma-device/apparat/press-sl/news/one-news/article/voronezhskie-Protestanty-prosjat-razrabotat-regional.html](http://www.vrnoblduma.ru/no_cache/duma-device/apparat/press-sl/news/one-news/article/voronezhskie-Protestanty-prosjat-razrabotat-regional.html)

<sup>110</sup> We had to overcome resistance // ROSKhVE’s website. URL: <http://cef.ru/news/roshve/?id=5369>

## 2.10. Irkutsk Region

In May 2012, Protestant churches in the Irkutsk Region collected signatures of their parishioners in support of a regional law banning the so-called “promotion of homosexuality among minors”. The effort was initiated by Dmitry Maslak, Chairman of the Regional Association of Churches of Christians of Evangelical Faith in the Irkutsk Region.<sup>111</sup> The initiative was supported by City Duma Deputy Mikhail Kornev. The results of the development and drafting stages were discussed by the Deputies at a May hearing of the Commission for Municipal Legislation and Law and Order.<sup>112</sup> Children’s Rights Ombudsman in the Irkutsk Region Svetlana Semenova also expressed her support for the bill.<sup>113</sup>

## 2.11. Kurgan Region

An initiative to ban the so-called “promotion of homosexuality and pedophilia” in the Kurgan Region was launched by the Youth Public Chamber at the Kurgan Regional Duma. It was presented on 17 April 2012, at a visiting session of the Chamber<sup>114</sup>. A statement, signed by the Chamber’s Chairman, Stanislav Bessonov, contained the following proposals presenting new wordings for the proposed legislation:<sup>115</sup>

1. Supplement Law of the Kurgan Region No. 511 “On Additional Measures to Assist Physical, Intellectual, and Mental Development of Children, and Protect their Health, and Moral and Spiritual Development in the Kurgan Region” dated 3 December 2004 with Article 8.1., reading as follows:

### **Article 8.1. Ban on the promotion of homosexuality**

The promotion of homosexuality among minors in public speaking, public presentation of a work or in the mass media, including public demonstration of homosexual lifestyle and homosexual orientation is prohibited.

2. Supplement Law of the Kurgan Region No. 25 “On Administrative Offences in the Kurgan Region” dated 20 November 1995 with Article 1.2., reading as follows:

### **Article 1.2. The promotion of homosexuality among minors**

The promotion of homosexuality among minors in public speaking, public presentation of a work or in the mass media, including public demonstration of homosexual lifestyle and homosexual orientation is punishable by an administrative fine imposed on individuals in the sum of RUB 2,000 to RUB 4,000; on public officials – RUB 4,000 to RUB 10,000; on legal entities – RUB 10,000 to RUB 20,000.

It is noteworthy that from 23 to 27 January 2012, Mr Bessonov was visiting France to attend a seminar for the CIS youth held to introduce the young people to the activities of PACE, the European Parliament and the ECtHR<sup>116</sup>. Given that in April he signed a ho-

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<sup>111</sup> Address by Dmitry Maslak, Chairman of the Regional Association of Churches of Christians of Evangelical Faith in the Irkutsk Region to pastors and ministers // Zabkraiinfo Christian news service. URL: <http://www.zabkrai.info/the-news/485-2012-05-12-22-32-58.html>

<sup>112</sup> Deputies to consider the adoption of Irkutsk Region Law “On the ban of the promotion of homosexuality among minors and pedophilia” // Official website of Irkutsk local self-government bodies. URL: <http://admirkutsk.ru/?doc=18390>

<sup>113</sup> The promotion of homosexuality and pedophilia might be banned in Irkutsk // *GazetaIrkutsk.py*. URL: <http://www.gazetairkutsk.ru/2012/05/15/id55304/>

<sup>114</sup> *Umov – palaty [Chamberful of brains]!* // Official website of the Kurgan Regional Duma. URL: [http://www.oblduma.kurgan.ru/about/press/news/news\\_detail.php?ELEMENT\\_ID=11680&sphrase\\_id=5089](http://www.oblduma.kurgan.ru/about/press/news/news_detail.php?ELEMENT_ID=11680&sphrase_id=5089)

<sup>115</sup> Appeal concerning the ban on the promotion of homosexuality among minors // Official website of the Kurgan Regional Duma. URL: [http://www.oblduma.kurgan.ru/upload/iblock/d3f/obr\\_gomosex.doc](http://www.oblduma.kurgan.ru/upload/iblock/d3f/obr_gomosex.doc)

<sup>116</sup> From Strasbourg with impressions of the seminar for young MPs // Official website of the Kurgan Regional Duma. URL: [http://www.oblduma.kurgan.ru/about/press/news/news\\_detail.php?ELEMENT\\_ID=10120&sphrase\\_id=5090](http://www.oblduma.kurgan.ru/about/press/news/news_detail.php?ELEMENT_ID=10120&sphrase_id=5090)

mophobic legislative initiative, it looks like socializing with European MPs produced on him the impression opposite to what could be expected.

In May 2012, Yevgeny Volynets, Deputy Chairman of the Commission for Legislation at the Youth Public Chamber, presented a case for the initiatives designed to “protect the spiritual health” of the younger generation at a meeting of the Legislation and State Building Committee. However, Deputies of the Regional Duma postponed the consideration of the proposal presented by the youth parliament, since a bill providing for administrative responsibility for such actions had already been introduced into the State Duma.<sup>117</sup>

### **2.12. Kursk Region**

On 26 March 2012, activists from Nashi [Ours!] youth movement held a series of one-person pickets in support of a law against the so-called “promotion of homosexuality and pedophilia among minors” in the Kursk Region. Young people with placards scattered around in the centre of the city. Picket participants tried to attract attention of the local authorities and learn the opinions of average citizens about the law. According to the organisers, all people interviewed spoke about the need for such legislation both at the regional and federal level.<sup>118</sup>

### **2.13. Murmansk Region**

On 22 May 2012, a rally against gay marches and the “promotion of homosexuality” was held in Murmansk. The organisers included a number of nationalistic organisations, in particular, Pan-Slavic National Association of Volunteers and the Murmansk Regional Chapter of the People’s Council.<sup>119</sup> Around 50 people took part in the rally; local residents were cautiously passing by.<sup>120</sup>

### **2.14. Omsk Region**

On 1 June 2012, the Omsk Chapter of Right Cause political party, together with the regional chapter of NGO “For Healthy Russia” held a picket in support of legislation banning the so-called “promotion of homosexuality and pedophilia” in the media. The party’s supporters invited Omsk residents to place their signatures under an appeal to the Deputies of the local Legislative Assembly to draft and pass such a bill. The party intends to submit the appeal to the regional parliament in June.<sup>121</sup>

### **2.15. Krasnoyarsk Territory**

In late April 2012, the idea of banning the so-called “promotion of homosexuality” was discussed in the Krasnoyarsk Territory. The debates were initiated by Vladislav

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<sup>117</sup> On punishments for brawlers, control over the promotion of non-traditional relations, and ... // Official website of the Kurgan Regional Duma. URL: [http://www.oblduma.kurgan.ru/about/press/news/news\\_detail.php?ELEMENT\\_ID=12257&sphrase\\_id=5089](http://www.oblduma.kurgan.ru/about/press/news/news_detail.php?ELEMENT_ID=12257&sphrase_id=5089)

<sup>118</sup> Kursk youth stages pickets to support a law banning the promotion of homosexuality and pedophilia among minors // URL: <http://kurskweb.ru/news/main/29223.html>

<sup>119</sup> Murmansk. A rally against “marches” of faggots // Right League Association of Russian Nationalist Organisations. URL: <http://pravliga.com/2010-09-06-16-25-32/680--qq->

<sup>120</sup> A Murmansk rally against the promotion of homosexuality (VIDEO) // URL: <http://www.youtube.com/watch?v=MrqXjNeGjEs>

<sup>121</sup> The Omsk right to initiate a regional law banning the promotion of pedophilia and homosexuality // SuperOmsk news agency. URL: <http://www.superomsk.ru/news/detail.php?ID=32384>; A picket against pedophilia and homosexuality held in Omsk // Official website of Right Cause party. URL: <http://www.pravoedelo.ru/news/v-omske-proshel-piket-protiv-pedofilii-i-gomoseksualizma>

Zhukovsky, Deputy of the City Council. He intends to form an initiative group of Deputies to submit the bill to the Legislative Assembly.<sup>122</sup> No information is available about his progress so far.

## ***2.16. Astrakhan Region***

In early June 2012, a number of media carried a report that a number of Astrakhan public figures planned to approach the Astrakhan lawmakers with a proposal to develop and adopt a law banning the so-called “promotion of homosexuality, lesbianism and pedophilia” in the Astrakhan Region.<sup>123</sup>

## ***2.17. Moscow***

On 23 April 2012, a round table themed “About the initiative of parent activists to have the promotion of homosexuality, lesbianism and transgenderism among minors banned” took place at the Moscow City Duma in the form of a joint meeting of four committees: for healthcare and public health; security; education and youth policy; and for affairs of public associations and religious organisations.

According to a report on the Moscow City Duma’s official website, participants in the round table included “Larisa Pavlova, member of the board of the “Parents’ Committee” Non-Commercial Partnership for the Protection of Family, Childhood, Person and Health; Igor Ponkin, doctor of law, Director of the Institute for the State-Confession Relations and Law; Tatiana Telezhkina, Deputy of the Kostroma Regional Duma, Vitaly Milonov, Deputy of the St. Petersburg Legislative Assembly, Aleksandr Dyatlov, Deputy of the Arkhangelsk Regional Assembly of Deputies, as well as representatives of the Russian Orthodox Church, the Council of Muftis of Russia, the Federation of Jewish Communities of Russia, the academic community, and educators, parents and social figures.”<sup>124</sup>

As Lyudmila Stebenkova, Chairwoman of the Commission for Healthcare and Public Health (United Russia party faction) said opening the meeting: “We must protect the right of children to healthy information environment”. According to her, the initiative of holding the event was put forward by “parent activists”. Of course representatives of the LGBT community were not invited; therefore, they were expressing their opinion by holding one-person pickets outside the venue.

Archpriest Vsevolod Chaplin, head of the Synodal Department for Church and Society of the Russian Orthodox Church stressed the importance of the debate: “Children need to be protected against every vice, against everything that destroys the foundations of society... We don’t have much of a choice: either we improve our moral fibre or our society gets ruined. The proposed bill is a safeguard of pure minds and freedom of our children and youth”. He was echoed by Andrey Glotser, spokesman of the Chief Rabbi of Russia, who recalled a secular principle: One person’s freedom ends where another person’s freedom begins. The freedom and rights of minors must be protected by the state, since they cannot do it themselves yet.

Chairman of the Moscow City Duma Vladimir Platonov said: “If we talk about simply drafting the law, we could have confined ourselves to handing out materials and collecting the existing experience. We could have skipped the debate, taken a pen and draft-

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<sup>122</sup> Krasnoyarsk Deputies seek to ban gay propaganda // DELA.ru. URL: <http://www.dela.ru/news/deputati-no-geys/>

<sup>123</sup> The promotion of homosexuality in Astrakhan to be banned? // Astrakhan News news agency. URL: <http://ast-news.ru/node/6100>

<sup>124</sup> Announcement on the Moscow City Duma’s website. URL: [http://www.duma.mos.ru/cgi-bin/pbl\\_web?vid=2&osn\\_id=0&id\\_rub=3&news\\_unom=35404](http://www.duma.mos.ru/cgi-bin/pbl_web?vid=2&osn_id=0&id_rub=3&news_unom=35404)

ed a law similar to those already existing in four regions of Russian. I think the organisers as the debate discussed protection of minors not only against the promotion of the “corrupt love”, but against the negative impacts of the entire information environment. Such laws need to be initiated and enacted in regions and simultaneously we need to approach the Federation Council to prepare a single good federal legislative initiative, which would protect minors against all negative information.”

Based on the results of the debates, it was suggested that a corresponding bill be introduced into the Moscow City Duma leveraging on the existing experience of similar legislation in the regions. An ad-hoc group will be formed to this end. According to the Duma’s official website, it was also suggested that the experience of Ukraine, where they have the National Expert Commission for Protecting Public Morality, be examined.<sup>125</sup>

On 29 March 2012, Children’s Rights Ombudsman in Moscow Yevgeny Bunimovich talking live on Echo of Moscow radio station said: “The promotion of homosexuality among minors is, above all, the problem of society, not the state.”<sup>126</sup> According to him, “Russian society has yet to decide where it stands on this issue.” Yevgeny Bunimovich also added that although there is a threat of the promotion of homosexuality among children, such legislation would not resolve the issue. He also stressed that it would be wrong to lump together in one bill punishments for the promotion of pedophilia and homosexuality. “I think it would be wrong to combine two different categories, the way they did it in St. Petersburg. We have to make punishments tougher for everything related to pedophilia,” he said.

### ***2.18. Tula Region***

On 22 June 2012, during Deputy hearings held in St. Petersburg and themed “The practice of enforcing the legislation on administrative responsibility for public actions aimed at the promotion of sodomy, lesbianism, bisexuality, transgenderism among minors, and for public actions aimed at the promotion of pedophilia”, Deputy V. Milonov said that one of the next regions to adopt a law banning “gay propaganda” was the Tula Region. An address to the event participants from V. Milonov’s associates based in the Tula City Duma was read out. Deputy Vladimir Timakov wrote, in particular: “I support the idea of a legislation banning the promotion of homosexuality – both at the regional and federal levels. I am ready to do everything I can to have such law enacted in the Tula Region. I am also ready to make arrangements for citizens and public organisations to file appeals with the State Duma asking to speed up consideration of the Novosibirsk draft law.”<sup>127</sup>

### ***2.19. Novgorod Region***

Deputy of the Novgorod Regional Duma, Vitaly Kirillov (LDPR), is willing to lobby a homophobic legislation in his region. He announced that on 22 June 2012, during Deputy hearings held in St. Petersburg and themed “The practice of enforcing the legislation on administrative responsibility for public actions aimed at the promotion of sodomy,

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<sup>125</sup> Будущий закон защитит детей // Official website of Мосгордумы URL: [http://www.duma.mos.ru/cgi-bin/pbl\\_web?vid=2&osn\\_id=0&id\\_rub=1&news\\_unom=35423](http://www.duma.mos.ru/cgi-bin/pbl_web?vid=2&osn_id=0&id_rub=1&news_unom=35423).

<sup>126</sup> The promotion of homosexuality – is a problem to be addressed by society, not the state – детский Оmbudsman Бунимович // «Эхо Moscow ы in St. Petersburg. URL: [http://www.echomsk.spb.ru/news/obshchestvo/promotion-gomoseksualizma-eto-problema.html?auth\\_service\\_id=Twitter&auth\\_service\\_error=1](http://www.echomsk.spb.ru/news/obshchestvo/promotion-gomoseksualizma-eto-problema.html?auth_service_id=Twitter&auth_service_error=1).

<sup>127</sup> “The law should adopted across the entire Russia” // Russian ая Народная Линия. URL: [http://rusk-line.ru/news\\_rl/2012/06/22/zakon\\_dolzhen\\_byt\\_prinyat\\_na\\_vsej\\_territorii\\_rossii](http://rusk-line.ru/news_rl/2012/06/22/zakon_dolzhen_byt_prinyat_na_vsej_territorii_rossii).

lesbianism, bisexuality, transgenderism among minors, and for public actions aimed at the promotion of pedophilia". Mr Kirillov made his statement immediately after he moved away from a group of LGBT activists and sat to the right of V. Milonov.

## *2.20. Perm Territory*

On 5 July 2012, Sergey Mitrofanov, Deputy of the Perm Territorial Parliament, submitted to the Legislative Assembly of the Perm Territory a draft law banning "the promotion of homosexuality" among minors. The bill aims to introduce changes to Law of the Perm Territory "On Measures to Prevent Damage to the Health of Children, their Physical, Intellectual, Mental, Spiritual and Moral Development" and Law of the Perm Territory "On Administrative Offences".

Amendment proposed to the former piece of legislation introduces a ban on the "promotion of homosexuality (sodomy and lesbianism), bisexuality, transgenderism among minors, and pedophilia".

Two new paragraphs are proposed for introduction into Article 2.29.1 of Law of the Perm Territory "On Administrative Offences":

7. Public actions aimed at the promotion of homosexuality (sodomy and lesbianism), bisexuality, transgenderism among minors,

are punishable by an administrative fine imposed on individuals in the sum of RUB 5,000; on public officials – RUB 50,000; on legal entities – RUB 500,000.

Note. Public actions aimed at the promotion of homosexuality (sodomy or lesbianism), bisexuality, transgenderism among minors should be understood to mean the activities aimed at targeted and uncontrolled dissemination of generally accessible information capable of damaging the health, moral and spiritual development of minors, including by inducing them to form warped perceptions that traditional and non-traditional married relations are equally socially acceptable.

8. Public actions aimed at the promotion of pedophilia are punishable by an administrative fine imposed on individuals in the sum of RUB 5,000; on public officials – RUB 50,000; on legal entities – RUB 1,000,000.

Note. For the purposes of this article public actions aimed at the promotion of pedophilia should be understood to mean the activities aimed at targeted and uncontrolled dissemination of generally accessible information to induce the public to form warped perceptions that sexual relations between adults and minors are socially acceptable.

The draft law's author, Deputy Sergey Mitrofanov, wrote in his explanatory memo: "The promotion of homosexuality and other asocial phenomena in modern society has become wide-spread. It is done through both the mass media and active holding of public events promoting homosexuality and other deviations as a behavioral norm. Such promotion is particularly dangerous for children and youth, who are not yet able to critically assess the huge avalanche of information they have to deal with every day. This promotion is in effect aimed at compromising the social institution of family, rejection of family values, denigrating social institutions of family, marriage, motherhood and fatherhood. It induces children to form warped perceptions that unnatural forms of sexual relations are normal and are equally socially acceptable as traditional relations between a man and a woman. This requires the protection of the younger generation from the destructive impacts of homosexual promotion."

The bill was introduced into the Legislative Assembly of the Perm Territory on 6 July 2012 and published on its official website. It can be considered at the parliament's autumn session. According to a report posted on 59.ru, the bill is planned for consideration by the Committee for Social Policy of the Territorial Legislative Assembly in mid-August.<sup>128</sup>

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<sup>128</sup> Will gays be equated to pedophiles? // Website of 59.ru URL: <http://59.ru/text/news/547476.html>.



## **2.21. Republic of Sakha (Yakutia)**

Draft law on “gay propaganda” was introduced into the State Assembly of the Republic of Sakha (Yakutia). The bill was initiated by the Yakutsk City Duma: on 14 June 2012, the Deputies unanimously voted in favour of the bill proposed by Deputy Sergey Chernykh.

The draft law aims to add two articles to the Code of Administrative Offences of the Republic of Sakha (Yakutia): on the administrative responsibility for actions aimed at the “promotion of sodomy, lesbianism, bisexuality, transgenderism” and on the administrative responsibility for the “promotion of pedophilia” among minors.<sup>129</sup> The Yakutsk draft law reproduces word by word the text of the bill enacted in March 2012 in St. Petersburg at the initiative of Deputy V. Milonov.

The draft law can be considered at the autumn session of the regional parliament, the State Assembly (Il Tumen) of the Republic of Sakha (Yakutia).

The bill’s author, Sergey Chernykh, Deputy of Yakutsk City Duma, wrote in his explanatory memo to the draft law: “The promotion of sodomy, lesbianism, bisexuality in the Republic of Sakha (Yakutia) is taking significant proportions. It is carried out mostly through the mass media, the Internet, advertising. Particularly dangerous is such promotion among children and youth, who are not yet able to critically assess such information they are given. In this regard, society, particularly the younger generation, must be protected against the impacts of homosexual propaganda, which is the purpose of the proposed amendments to the Code of Administrative Offences of the Republic of Sakha (Yakutia).

The draft law sets administrative fines not for the homosexual orientation of the person, but for active promotion of homosexuality, in this way nobody is denied basic rights to life, personal dignity and participation in community affairs.

The issue is becoming even more important as the numbers of HIV and hepatitis patients in the Republic of Sakha (Yakutia) are not dwindling and hotlines receive complaints from citizens against gay clubs, which are visited by, among others, minors, with regular reports of pedophile offences against children”.

## **2.22. Penza Region**

In late June 2012, parishioners of “Alive Faith” Church took to the streets in the centre of Penza to collect signatures in support of Law “On the Ban of the Promotion of Homosexuality among Minors”. Several thousand signatures have already been collected, to be submitted shortly for consideration to the Legislative Assembly of the Penza Region, Alive Faith media group reports.<sup>130</sup>

“The problem of homosexuality is not currently on the hot list in the Penza Region. However, we see that the West is actively imposing homosexual and extreme liberal values on Russia. Today Evangelical churches urge society to have the promotion of homosexuality among minors prohibited at every level. We are aware that homosexuality undermines demography, opposes the normal traditional family; it spells a dead-end for future society. Therefore, today, when this problem is not pressing yet we have to ban this. We have to impose legislation to ensure future development for Russia. Otherwise we might face huge problems of the likes we are witnessing in Europe,” concludes Sergey Kireyev, Plenipotentiary Representative of the Head Bishop of ROSKhVE in the Penza Region and Pastor of the “Alive Faith” Church in Penza.

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<sup>129</sup> The text of the Draft Law is available at the “Stop the Law” website at URL: <http://stopzakon.files.wordpress.com/2012/07/yakutia-project.pdf>

<sup>130</sup> Gays are disliked in Penza // Alive Faith media group URL: <http://afmedia.ru/node/209>

### 2.23. Vladimir Region

As reported in the 18 July 2012 regional issue of *Komsomolskaya Pravda*,<sup>131</sup> Yuliya Arsenina, Deputy at the Regional Legislative Assembly, introduced a draft law banning the so-called “promotion of homosexuality and pedophilia among minors” for consideration by the regional legislative assembly.

“Our law is in effect basically the same as in St. Petersburg,” Yuliya Arsenina explained. “They were the first to introduce such legislation after all. So far we have plans to fine for any public actions aimed at the promotion and dissemination of information about pedophilia. Individuals will be fined RUB 5,000; public officials – RUB 50,000; legal entities – RUB 500,000 to RUB 1,000,000. My view is that the draft law should create a zero tolerance atmosphere for the public. Even when someone just decides to make a joke about this subject, they will know that this would be a punishable offence. Our version of the bill by no means will dictate the line of conduct for the adult person – they will be free to decide on the type of relations they have. It is every individual’s own choice and we do not interfere. We just say that our children must be protected from such information.”

### 2.24. Republic of Mari El

So far there have been no official reports of any initiatives to enact republican legislation banning the so-called “promotion of homosexuality”. However, the public is already developing its opinion. In particular, in its Issue No. 5, *Va-Bank. Yoshkar-Ola* newspaper (dated 16 July 2012) carried an article “The attitudes in Mari El towards legislation banning the promotion of homosexuality.”<sup>132</sup> In his material, journalist Aleksandr Fadeyev cites the reactions he got from the local religious leaders, parliamentarians and human rights defenders.

Head of the Yoshkar-Ola Jewish religious community Willy Khayet: “I approve of the introduction of such legislation in Mari El. The youth needs to be looked after. Today, they all take things to the extreme; one can say they are heading for fascism. But don’t forget about education – parents can save the children from going wrong.”

Chairman of the Man and Law ROO (regional public organisation) Irina Protasova: “I absolutely disapprove! As for the pedophiles – yes, we need tough measures, but when you take people with non-traditional orientation it is a violation of human rights. The term “promotion” is very vague. It looks more like a provocation.”

Head of the Republic’s Central Spiritual Governance for Muslims Fanus Salimgareyev: “I absolutely agree. We need such legislation! We cannot do without moral education. All “non-traditional” persons should be isolated from society. The more moral censorship we have, the better! And television also needs an oversight – there’s much filth there.”

Yury Buyanov, State Assembly Deputy: “I am absolutely in favour of it! It is not very democratic, though, but everybody has a family. And pedophiles should be imprisoned – for some 40 year, the way they do it in the United States. We are ready for such legislation and if such an initiative is floated here, I will definitely support it.”

The supreme leader of the Mari El traditional religion Aleksandr Tanygin: “I agree; we need this. In our prayers we have always asked our gods for peace around the world and protection for our children. Family is the key social unit. Children need spiritual education and must be protected by all means.”

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<sup>131</sup> A law banning the promotion of pedophilia might be enacted in the Vladimir Region // URL: <http://vladimir.kp.ru/print/25917/2870102/>

<sup>132</sup> A. Fadeyev. Attitudes in Mari El towards the law banning the promotion of homosexuality // Issue No. 5. *Va-Bank. Yoshkar-Ola* newspaper (dated 16 July 2012). Electronic version: <http://mariuver.wordpress.com/2012/08/07/mari-zpret-gomo/>

The Mari El Eparchy declined to comment.

### 3. Federal Level Initiatives

A draft federal law banning the so-called “promotion of homosexuality” was introduced into the State Duma on 28 March 2012, at the initiative of the Legislative Assembly of the Novosibirsk Region<sup>133</sup>.

Numerous comments followed in support of the bill from Deputies and other governmental officials. In particular, on 29 March 2012, in his comments on the introduction of the bill into the State Duma First Deputy Chairman of the State Duma’s Committee for Constitutional Legislation and State Building Vyacheslav Lysakov said: “The problem is much wider than just the promotion of homosexuality or same-sex partnerships. We are talking about promotion among children, among teenagers. Its source is television channels, above all federal channels – in addition to such promotion there is also the promotion of violence, cruelty. We are not talking about using federal legislation to control or regulate relations between adults and their sexual preferences. We are talking specifically about promotion among teenagers, among children. With all the tolerance, which is particularly developed in Western countries, it should be noted that in Russia attitudes towards such actions have always been marked by certain moral judgments,” *Komsomolskaya Pravda* reports.<sup>134</sup>

On 9 April 2012, Yury Shuvalov, Deputy Secretary of the General Council’s Presidium of United Russia and Deputy Head of the State Duma Office, in a live interview to Dozhd [Rain] TV channel said in response to a question from Yuliya Taratuta, “Can you imagine a situation when the State Duma supports the initiative of St. Petersburg lawmakers, the law on the promotion of homosexuality, as already hinted by the State Duma Speaker Sergey Naryshkin?” – “I can imagine the situation when this law, of course after certain discussions and, possibly, amendments, not in its current form, can be passed.”<sup>135</sup>

On 11 April 2012, Chairwoman of the Federation Council Valentina Matviyenko in a live interview to Echo of Moscow radio station refused to answer the question, “If you were a Governor, would you let the legislature pass the recently adopted law on sexual minorities?” She said, “You know, I think you will understand me correctly. It is not appropriate or ethical for me, an ex-Governor, to give comments on the actions of incumbents. I have never done that and will never do. It is a taboo for me.” When the journalists asked a different question, “And what if such draft law suddenly emerges on the federal level and will have to pass the Federation Council?”, Matviyenko said, “Ok. I will give you my view. I am a very tolerant person. I believe every adult person has the right to choose his political orientation or other orientation. It is their personal business and neither the state, nor anybody else may intrude on their privacy. That’s my approach. As for the promotion of this among children and teenagers, if you have children, I could ask you, Would you be willing to see all those things thrust upon your children? I think if we ask parents...” When the journalist tried to object: “Of course I am not a big expert, but promotion or not, it is still everybody’s own choice,” she said, “Still I think that irrespective of the law I believe children and child mentality until they grow up must

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<sup>133</sup> Draft Law No. 44554-6 “On Amendments to the Code of Administrative Offences of the Russian Federation (On the introduction of administrative responsibility for the promotion of homosexuality among minors)” // The Draft Law’s permanent page on the website of the State Duma of the Russian Federation: [http://asozd2.duma.gov.ru/main.nsf/\(Spravka\)?OpenAgent&RN=44554-6&02](http://asozd2.duma.gov.ru/main.nsf/(Spravka)?OpenAgent&RN=44554-6&02).

<sup>134</sup> Vyacheslav Lysakov: The problem is much wider than just the promotion of homosexuality: <http://spb.kp.ru/online/news/1117440>.

<sup>135</sup> Yury Shuvalov, Deputy Head of the State Duma Office: The Parliament can well consider the law on the promotion of homosexuality: [http://tvrain.ru/articles/zampred\\_apparata\\_gosdumy\\_yuriy\\_shuvalov\\_parlament\\_vpolne\\_mozhet\\_rassmotret\\_zakon\\_o\\_propagande\\_gomose-224165](http://tvrain.ru/articles/zampred_apparata_gosdumy_yuriy_shuvalov_parlament_vpolne_mozhet_rassmotret_zakon_o_propagande_gomose-224165).

be protected by parents, family, school from everything immoral, vulgar, rude. They are vulnerable. So, there should be maximum ... Of course, now we have the Internet and it's impossible to prevent children's exposure to all that filth which, unfortunately, is present there, among other things. But I gave you my view." Eventually, the journalists had to sum up Matviyenko's answer themselves: "She will support the bill, yes, she will."<sup>136</sup>

On 11 April 2012, during a live interview to Dozhd [Rain] TV channel State Duma Deputies Gennady Gudkov and Yelena Mizulina (both from A Just Russia political party) showed a mixed reaction towards the law in question. Gudkov: "I think it might not be advisable to adopt such a law at the federal level; however, there should be some other measures restricting the definitely aggressive advertising which is a kind of compensation sexual minorities have for some humiliation ... American society – and I've been there more than once and can testify – has a strict focus on the promotion of a healthy family, a family with many children. Look at American movies, culture, books. Let's better take the American path." Yelena Mizulina: "We indeed received the law and will circulate it now, collect all feedback and I think we will definitely hold a round table or an enlarged meeting of the Committee, where both parties will be given an opportunity to present their views. I have seen that draft law and I can tell you that generally I am for restricting the promotion of homosexuality among children; children don't need it; they will decide for themselves when they grow up. However, what is problematic about this law is that the term "promotion" is not defined ... We have to look into it, but the key argument that made me think the law is needed is that there should not be excessive information of that kind for children, as they are still choosing and deciding – what is a norm and what isn't; therefore, they shouldn't impose it ..."<sup>137</sup>

Novosibirsk Deputies propose amending the Code of Administrative Offences of the Russian Federation to include the following article:

**Article 6.13.1. The promotion of homosexuality among minors**

The promotion of homosexuality among minors

is punishable by an administrative fine imposed on individuals in the sum of RUB 4,000 to RUB 5,000; on public officials – RUB 40,000 to RUB 50,000; on legal entities – RUB 400,000 to RUB 500,000.

The explanatory memo to the draft law says: "The promotion of homosexuality in today's Russia has become wide-spread. It is done through both the mass media and active holding of public events promoting homosexuality as a behavioral norm. Such promotion is particularly dangerous for children and youth, who are not yet able to critically assess the huge avalanche of information they have to deal with every day. It is necessary therefore to protect from the impacts of the promotion of homosexuality above all the younger generation, which is the purpose of this draft law.... The ban on such promotion – as an activity aimed at deliberate and uncontrolled dissemination of information, capable of damaging the health, moral and spiritual development, including by inducing them to form warped perceptions that traditional and non-traditional married relations are equally socially acceptable – among the persons who do not have the benefit of age to critically evaluate this kind of information independently, cannot be considered in itself a violation of the constitutional rights of citizens."

The explanatory memo once again exploits the themes of family, motherhood and childhood "in their traditional sense, passed on by forefathers". These concepts are proclaimed values "which provide for a continuous bond between the generations that

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<sup>136</sup> Programme hosted by Svetlana Sorokina and Yury Kobaladze. In the circle of light: <http://echo.msk.ru/programs/sorokina/876139-echo/>

<sup>137</sup> Yelena Mizulina: No need for the promotion of homosexuality among children: [http://tvrain.ru/articles/elena\\_mizulina\\_promotion\\_gomoseksualizma\\_sredi\\_detey\\_ne\\_nuzhna-228224/](http://tvrain.ru/articles/elena_mizulina_promotion_gomoseksualizma_sredi_detey_ne_nuzhna-228224/)

change one another, being a precondition for the survivability and development of the multi-ethnic nation of the Russian Federation, and, therefore, need special protection by the state.”

In the end, the State Duma’s committee responsible for the consideration of this bill, Committee for Constitutional Legislation and State Building, found that the text of the draft law was in conformity with the Constitution of the Russian Federation and recommended that the State Duma consider it in the first reading in June 2012 (decision dated 18 April 2012). However, it never happened. The State Duma Council, at its meeting on 26 April 2012, took a decision to charge the State Duma Committee for Family, Women and Children Affairs with collecting feedback and preparing the draft law for consideration by the State Duma.

Currently the official page of the draft law features the opinion of the Legal Department, which says that bill requires additional discussions and further improvement, pointing out that the legislation of the Russian Federation does not contain the definition of the term “homosexuality”.

Feedback from regions of the Russian Federation posted on the website features responses from just five regions: support for the bill was voiced by the Parliament of the Kabardino-Balkarian Republic, the Vologda Region Legislative Assembly, the Tomsk Region Legislative Duma, the Samara Regional Duma; a vote against was cast by the Ulyanovsk Region Legislative Assembly. It also emerged from the media that support for the draft law had been voiced by Deputies of the Sakhalin Regional Duma<sup>138</sup> and the Magadan Regional Duma.<sup>139</sup>

## Conclusion

Laws on the so-called “promotion of homosexuality among minors” have been condemned by the entire human rights community in Russia. In particular, Mikhail Fedotov, Chairman of the Presidential Council for Civil Society and Human Rights, believes there is a need to define what constitutes “the promotion of homosexuality”; otherwise an “environment conducive to arbitrariness” is created. “If we say that the promotion of heterosexuality is allowed, we immediately enter into conflict with the constitutional norm concerning the equality of citizens,” said the human rights defender. He also noted that banning “the promotion of homosexuality” is “the same as banning the promotion of left-handedness or black skin. It shows a complete lack of logic.”<sup>140</sup>

Similar opinion is also voiced by Vladimir Lukin, Human Rights Ombudsman in the Russian Federation. In his report on the human rights situation in the Russian Federation he notes that “the very term ‘promotion’ is legally vague and therefore cannot be applied altogether or, on the contrary, can be used in an arbitrary fashion, i.e. creates conditions for arbitrary decisions concerning adult citizens.”<sup>141</sup>

According to Valentin Gefter, Director of the Human Rights Institute, regional laws banning the promotion of homosexuality are in conflict with the federal legislation, as the promotion of that which is not banned cannot be punishable by law. “How can pedophilia, an act punishable under criminal law, be equated to an action which is not pun-

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<sup>138</sup> Sakhalin Deputies support the ban on the promotion of homosexuality // RIA SakhalinMedia. URL: <http://sakhalinmedia.ru/news/27.05.2012/207909/zapret-propagandi-gomoseksualizma-podderzhalisakhalin-skie-deputati.html>.

<sup>139</sup> Higher fines – to protect children from negative influences // Official website of the Magadan Regional Duma. URL: <http://www.magoblduma.ru/news/duma/2012/07/article3274>.

<sup>140</sup> Fedotov criticizes the law banning the promotion of homosexuality // ZakS.Ru. URL: <http://www.zaks.ru/new/archive/view/91589>.

<sup>141</sup> See the full text of the report by the Human Rights Ombudsman in the Russian Federation for 2011: <http://ombudsmanf.org/2009-11-05-14-09-33/10537--2011-.html>.

ishable, homosexuality? It is incredible that somebody introduces punishment for the promotion of that which is not punishable? To make the state punish the people who, according to the Constitution, have no guilt before society, the state and even those minors who are supposedly cared about, is the real crime against society.”

Nina Tagankina, Executive Director of the Moscow Helsinki Group, believes that the enactment of a federal law is fraught with many dangers for human rights in Russia. While today one can challenge the law against the promotion of homosexuality at the regional level and prevent its adoption by turning to the Constitutional Court, since these laws are in conflict with the Constitution, when a federal law is passed, complaints will have to be taken to the European Court of Human Rights.

Viktoriya Gromova, Secretary of the Coordinating Council of the International Youth Human Rights Movement, points out the problems with enforcing such legislation in the regions. In her opinion, the adoption of this legislation shows contempt for the judicial system of the Russian Federation and the international law. None of the lawmakers ever thought about how this legislation would be implemented in real life practice. Viktoriya Gromova is convinced that “It would be impossible to really implement it. Any examination, e.g. to establish what constitutes ‘promotion’, will encounter lots of problems. Another point is contempt for the youth. The fact is that people get their passports at 14 and can marry; it is weird they do not have the right to think about their identity.”

On 29 June 2012, the Public Chamber of the Russian Federation held public hearings themed “On the practice of using legal regulation to restrict freedom of expression” to discuss legal and social problems arising from the enactment of legislation banning the so-called “promotion of homosexuality” in a number of Russia’s regions. “It is clear that these laws spell a real deprivation of rights. And, unfortunately, the problem is much wider than the issue of homophobia in Russia. We generally live in phobia-ridden society, where people are used to fuelling strife on any grounds,” noted Yelena Lukiyanova, member of the Public Chamber.

The numerous expert community – lawyers, sexologists, psychologists, psychiatrists, social scientists, historians, philologists – also unambiguously criticized the homophobic legislation.<sup>142</sup> However, regional lawmakers give little notice to the opinion of human rights defenders and scholars. It just shows once again that the decisions on these laws are in fact purely populist and politicized.

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<sup>142</sup> Full texts of expert opinions available at: <http://stopzakon.wordpress.com/docs/experts>.

# INTERNATIONAL HUMAN RIGHTS STANDARDS IN RELATION TO SEXUAL ORIENTATION AND GENDER IDENTITY (2008–2011)

*Kseniya Kirichenko*

Despite the fact that until recently sexual orientation and gender identity were not mentioned as such in international instruments,<sup>143</sup> application of international legal standards by various institutions (like the UN Committees or the European Court of Human Rights) in practice suggests that a set of human rights standards in relation to sexual orientation and gender identity has started to take shape.

The applicable key documents and provisions were described in some detail in our previous report,<sup>144</sup> therefore this report will focus mostly on the developments that took place in the last three years and the documents not covered in the overview presented in the previous report. We will separately look at the standards being developed within the universal human rights framework (the United Nations) and the European framework (the Council of Europe).

## A. Universal human rights framework – the UN standards

**The United Nations Human Rights Committee** in its decisions on specific complaints has repeatedly noted that the discrimination against and the violation of the rights of LGBT persons is unacceptable under the provisions of the International Covenant on Civil and Political Rights. For instance, in *Toonen v. Australia* (1994)<sup>145</sup> the Committee found that criminalization of sexual contacts between consenting adults of same sex violates the international law. In *X. v. Colombia* (2007)<sup>146</sup> and *Mr. Edward Young v. Australia* (2003),<sup>147</sup> the Committee found that the denial to grant pension transfer on the death of a partner in the case of homosexual couples constitutes unacceptable discrimination on the basis of sexual orientation.

**The United Nations Committee on Economic, Social and Cultural Rights** has repeatedly noted in its General Comments, when making clarifications on specific standards of the Covenant, that the violation of the rights and discrimination on the basis of sexual orientation and gender identity are unacceptable. For instance, in General Com-

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<sup>143</sup> In 2011, Council of Europe Convention on preventing and combating violence against women and domestic violence was opened for signature. This international instrument for the first time in the history of the international law directly obliges member states to avoid discrimination on the basis of sexual orientation or gender identity. However, the Convention has not entered into force yet. See Council of Europe Convention on preventing and combating violence against women and domestic violence: Istanbul, 11.V.2011. URL: <http://conventions.coe.int/Treaty/EN/Treaties/Html/210.htm>. Article 4.

In addition, in 2009, the EurAsEC Interparliamentary Assembly adopted a model draft instrument “On the Guidelines for Reproductive Health Services for the Populations of the Eurasian Economic Community Member States”, which provides that every citizen of the Community, irrespective of, among others things, sexual orientation, has equal rights to a risk-free full reproductive and sexual life. However, the document is recommendatory and an example of “soft law”. See URL: [http://www.ipaeurasec.org/docsdown/reproduct\\_guard.pdf](http://www.ipaeurasec.org/docsdown/reproduct_guard.pdf).

<sup>144</sup> See Igor Kochetkov (Petrov), Kseniya Kirichenko. *The Situation of Lesbian, Gay, Bisexual and Transgender People in the Russian Federation*. Moscow.: MHG, 2009. pp. 17–29.

<sup>145</sup> See *Toonen v. Australia*, Communication No. 488/1992, views adopted on 31 March 1994. URL: <http://www.unhchr.ch/tbs/doc.nsf/0/d22a00bcd1320c9c80256724005e60d5>.

<sup>146</sup> See *X. v. Colombia*, Communication No. 1361/2005, views adopted on 14 May 2007. URL: [http://www.bayefsky.com/pdf/colombia\\_ccpr\\_t5\\_1361\\_2005.pdf](http://www.bayefsky.com/pdf/colombia_ccpr_t5_1361_2005.pdf).

<sup>147</sup> See *Mr. Edward Young v. Australia*, Communication No. 941/2000, views adopted on 18 September 2003. URL: <http://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=CCPR/C/78/D/941/2000&Lang=E>.

ment No. 14, the Committee noted that the list of prohibited grounds of discrimination (para.2 of articles 2 and 3 of the Covenant) includes sexual orientation as well.<sup>148</sup> Such discrimination must be avoided, in particular, in employment, in accordance with General Comment No. 18,<sup>149</sup> and social security, in accordance with General Comment No. 19.<sup>150</sup> In General Comment No. 20, the Committee noted that discrimination in housing rights on the basis of sexual orientation (when gays are e.g. denied access to housing or mortgages) is unacceptable, along with any discrimination on the basis of gender identity – in particular, when transgender people are harassed in schools or in the workplace.<sup>151</sup>

**The United Nations Committee on the Elimination of the Discrimination against Women** noted in its General Comments that lesbian women are among the most vulnerable groups and are often subjected to discrimination. In addition, the Committee stressed its concern about the double discrimination suffered by homosexual, bisexual and transgender women. State parties must legally recognize and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned. They also need to adopt and pursue policies and programmes designed to eliminate such occurrences.<sup>152</sup> The need to prevent multiple forms of discrimination experienced by older women who are lesbian, bisexual or transgender was particularly stressed.<sup>153</sup>

**The United Nations Committee on the Rights of the Child** noted its concern about the discrimination between boys and girls on the basis of sexual orientation. (General Comment No. 3;<sup>154</sup> General Comment No. 4<sup>155</sup>). In another document, General Comment No. 13, the Committee noted that homosexual, bisexual and transgender children are particularly vulnerable and for that reason, in particular, are likely to be exposed to violence. Therefore, State parties (including Russia as well) must include measures to safeguard and protect the interests of this group of children into all appropriate legislative, administrative, social and educational measures.<sup>156</sup>

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<sup>148</sup> See General Comment [of the Committee on Economic, Social and Cultural Rights] No. 14 on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (art. 12 the International Covenant on Economic, Social and Cultural Rights): 22<sup>d</sup> session, 25 April-12 May 2000: E/C.12/2000/4. URL: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=E/C.12/2000/4&Lang=R>. Para 18.

<sup>149</sup> See General Comment [of the Committee on Economic, Social and Cultural Rights] No. 18 on the right to work: 35<sup>th</sup> session, 7-25 November 2005: E/C.12/GC/18. URL: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=E/C.12/GC/18&Lang=R>. Para 18.

<sup>150</sup> See General Comment [of the Committee on Economic, Social and Cultural Rights] No. 19 on the right of everyone to social security, including social insurance (article 9): 39<sup>th</sup> session, 5-23 November 2007: E/C.12/GC/19. URL: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=E/C.12/GC/19&Lang=R>. Para 29.

<sup>151</sup> See General Comment [of the Committee on Economic, Social and Cultural Rights] No. 20 on art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights: 42<sup>d</sup> session, 4-22 May 2009: E/C.12/GC/20. URL: <http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.GC.20-RUSS.pdf>, para 11 and 32.

<sup>152</sup> See General Recommendation [of the Committee on the Elimination of the Discrimination against Women] No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women: 47<sup>th</sup> session, 4-22 October 2010: CEDAW/C/2010/47/GC.2. URL: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/GC/28&Lang=R>. Para 18.

<sup>153</sup> See General Recommendation [of the Committee on the Elimination of the Discrimination against Women] No. 27 on older women and protection of their human rights: 47<sup>th</sup> session, 4-22 October 2010: CEDAW/C/2010/47/GC.2. URL: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/GC/28&Lang=R>. Para 13.

<sup>154</sup> See General Comment [of the Committee on the Rights of the Child] No. 3 on HIV/AIDS and the rights of the child: 32<sup>d</sup> session, 12-31 January 2003: CRC/GC/2003/3. URL: <http://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=CRC/GC/2003/3&Lang=R>. Para 8.

<sup>155</sup> See General Comment [of the Committee on the Rights of the Child] No. 4 on adolescent health and development in the context of the Convention on the Rights of the Child: 33<sup>d</sup> session, 19 May-6 June 2003: CRC/GC/2003/4. URL: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CRC/GC/2003/4&Lang=R>. Para 6.

<sup>156</sup> See General Comment [of the Committee on the Rights of the Child] No. 13 (2011) on the right of the child to freedom from all forms of violence: 18 April 2011: CRC/C/GC/13. URL: [www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13\\_en.doc](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13_en.doc). Para 72.



**The United Nations Committee Against Torture** reiterated in its General Comment No. 2 that “The protection of certain minority or marginalized individuals or populations especially at risk of torture is a part of the obligation to prevent torture or ill-treatment.” Homosexual, bisexual and transgender people were cited among such populations. States parties should, therefore, ensure the protection of members of this group by fully prosecuting and punishing all acts of violence and abuse against these individuals and ensuring implementation of other positive measures of prevention and protection.<sup>157</sup>

It is extremely important that during the three years that passed since our previous report, three UN Committees expressed their concerns about discrimination and violence against LGBT persons when considering the *periodic reports* submitted by Russia under the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the International Covenant on Economic, Social and Cultural Rights. This had never happened before 2009.

The United Nations Human Rights Committee in 2009, noted acts of violence against LGBT persons in Russia, in particular, reports of harassment by the police and incidents of people being assaulted or killed on account of their sexual orientation; hate speech; discrimination in various fields in the absence of legislation that specifically prohibits discrimination on the basis of sexual orientation or gender identity; as well as the infringement of the right to freedom of assembly and association. Based on the above, the Committee issued recommendations that the Russian Federation should provide effective protection for LGBT persons against violence and discrimination based on sexual orientation, in particular through the enactment of comprehensive anti-discrimination legislation that includes the prohibition of discrimination on grounds of sexual orientation; intensify its efforts to combat discrimination against LGBT persons, including by launching a sensitization campaign aimed at the general public as well as providing appropriate training to law enforcement officials; take all necessary measures to guarantee the exercise in practice of the right to peaceful association and assembly for the LGBT community.<sup>158</sup>

Similar recommendation was issued for Russia one year later by the UN Committee on the Elimination of the Discrimination against Women as well.<sup>159</sup> It is noteworthy that the head of the official Russian delegation, when providing replies to members of the Committee, indicated that currently the expenditures related to the specific medical needs of transsexual persons are not covered by the budget. However, the Russian authorities are ready to change their stance subject to the availability of information about the experience of foreign countries in this area.

The United Nations Committee on Economic, Social and Cultural Rights in 2011, considered an alternative report presenting violations of the human rights of and discrimination against LGBT persons in public health, education, employment and social security in Russia. The Committee recommended including Russia into its next periodic report<sup>160</sup>.

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<sup>157</sup> See General Comment [of the Committee Against Torture] No. 2 on implementation of Article 2 by States Parties: 24 January 2008: CAT/C/GC/2. URL: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CAT/C/GC/2&Lang=R>. Para 21.

<sup>158</sup> See Concluding observations of the Human Rights Committee (on the Russian Federation): 97<sup>th</sup> session, 12-30 October 2009: CCPR/C/RUS/CO/6. URL: [http://www2.ohchr.org/english/bodies/hrc/docs/CCPR.C.RUS.CO.6\\_ru.doc](http://www2.ohchr.org/english/bodies/hrc/docs/CCPR.C.RUS.CO.6_ru.doc). Para 28.

<sup>159</sup> See Concluding observations of the Committee on the Elimination of the Discrimination against Women (on the Russian Federation): 46<sup>th</sup> session, 12-30 July 2010: CEDAW/C/USR/CO/7. URL: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/USR/CO/7&Lang=R>. Para 40 and 41.

<sup>160</sup> See Concluding observations of the Committee on Economic, Social and Cultural Rights (on the Russian Federation): 46<sup>th</sup> session, 2-20 May 2011: E/C.12/RUS/CO/5. URL: [http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.RUS.CO.5\\_ru.doc](http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.RUS.CO.5_ru.doc). Paras 40 and 41.

Two more documents require our attention as we finish our overview of the development of universal human rights standards as related to sexual orientation and gender identity.

The first document is Resolution of the UN Human Rights Council on “Human rights, sexual orientation and gender identity”, adopted in June 2011,<sup>161</sup> By adopting this document the Human Rights Council for the first time in the history of the United Nations approved a resolution protecting the rights of LGBT persons. The resolution expressed grave concern at acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation and gender identity, and requested the UN High Commissioner for Human Rights to commission a special study into the problem.

On the grounds and in execution of the said resolution the second document was prepared, report of the United Nations High Commissioner for Human Rights “Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity”.<sup>162</sup> The report was drafted to document the existence of discriminatory legislation and practices and acts of violence against individuals on the basis of sexual orientation and gender identity in all regions of the world, and identify possible ways to use the international human rights framework to end violence and related violations of human rights on the basis of sexual orientation and gender identity. The document details the situation and frames recommendations to State parties.

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<sup>161</sup> See <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G11/141/96/PDF/G1114196.pdf>.

<sup>162</sup> See [http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41\\_Russian.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41_Russian.pdf).

## **ABOUT THE RUSSIAN LGBT NETWORK**

The Russian LGBT Network is an interregional non-governmental movement launched in 2006. Today, the Network is the largest LGBT organisation in Russia, consisting of individual and group members active in over 20 regions across Russia.

### **Our Mission**

The Russian LGBT Network is an interregional non-governmental human rights organisation promoting equal rights and respect for human dignity irrespective of sexual orientation and gender identity by coordinating and developing regional initiatives, engaging in advocacy (including at the national and international level) and providing social and legal services.

Contact details:

Email: [info@lgbtnet.ru](mailto:info@lgbtnet.ru)

Website: <http://lgbtnet.ru>

Blog: <http://rus-lgbtnetwork.livejournal.com/>

Tel./fax: 7-812- 454-64-52

Address: The Russian LGBT Network's Office,

87 Ligovsky Prospekt,

St. Petersburg,

191040, Russia.

### **The Russian LGBT Network Hotline**

The hotline was launched to provide support to the Russian LGBT community, as well as to their close ones and friends.

8-800-555-08-68

The hotline provides a “24/7” assistance, toll free for all Russia.

The hotline is operated by volunteers who are trained as crisis centre and hotline operators. Callers can get information or request the following:

- legal assistance: any legal problems concerning the violation of human rights on the basis of sexual orientation or gender identity
- counselling: assistance in difficult / emergency situations, getting in contact with an expert for further counselling and assistance
- organisational matters: any problems concerning the establishment of regional representative offices of the LGBT Network and activities of regional LGBT organisations

Our experts stand ready to help you; you just need to make a call.

